



2019/2913(RSP)

25.11.2019

DRAFT MOTION FOR A RESOLUTION

pursuant to Rule 112(2) and (3) of the Rules of Procedure

on Commission Implementing Regulation (EU) 2019/1787 of 24 October 2019 amending Implementing Regulation (EU) 2016/6 imposing special conditions governing the import of feed and food originating in or consigned from Japan following the accident at the Fukushima nuclear power station (2019/2913(RSP))

Committee on the Environment, Public Health and Food Safety

Members responsible: Michèle Rivasi, Sirpa Pietikäinen

European Parliament resolution on Commission Implementing Regulation (EU) 2019/1787 of 24 October 2019 amending Implementing Regulation (EU) 2016/6 imposing special conditions governing the import of feed and food originating in or consigned from Japan following the accident at the Fukushima nuclear power station (2019/2913(RSP))

The European Parliament,

- having regard to Commission Implementing Regulation (EU) 2019/1787 of 24 October 2019 amending Implementing Regulation (EU) 2016/6 imposing special conditions governing the import of feed and food originating in or consigned from Japan following the accident at the Fukushima nuclear power station¹,
- having regard to Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety², and in particular point (b)(ii) of Article 53(1) thereof,
- having regard to Articles 11 and 13 of 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 powers³,
- having regard to Rule 112(2) and (3) of its Rules of Procedure,
- having regard to the motion for a resolution of the Committee on the Environment, Public Health and Food Safety,

General comments

- A. whereas Parliament was informed about the planned measure on 16 September 2019, the vote in the Standing Committee on Plants, Animals, Food and Feed took place on 26 September 2019, and the Commission Implementing Regulation was adopted on 24 October 2019; whereas this timeline did not give Parliament adequate time to scrutinise the measure in accordance with Article 11 of Regulation (EU) No 182/2011; whereas adopting a draft implementing measure so early that Parliament is deprived from its right of scrutiny is not tolerable, especially as there was no urgency;
- B. whereas the government of Japan is considering the option of discharging into the Pacific Ocean almost one million tonnes of highly radioactive water which was used to cool the nuclear plant's damaged reactors; whereas this could, if authorised, have a severely negative impact on the food safety levels of fisheries products harvested off the coast of Japan; whereas long-term storage and processing of the water is the only environmentally acceptable option;

¹ OJ L 272, 25.10.2019, p. 166.

² OJ L 31, 1.2.2002, p. 1.

³ OJ L 55, 28.2.2011, p. 13.

- C. whereas the strategy with regard to radioactive substances under the Convention for the Protection of the Marine Environment of the North-East Atlantic, which aims at preventing and eliminating marine pollution in the north-east Atlantic area, calls for near zero-level discharges of radioactive substances by the year 2020; whereas there is no similar provision for the Pacific Ocean;

Comments in relation to Annex II

- D. whereas Commission Implementing Regulation (EU) 2016/6⁴ requires that consignments of a number of foodstuffs, including mushrooms, fish and fishery products and bamboo shoot, originating in or consigned from a number of Japanese prefectures be accompanied by a valid declaration from the Japanese authorities attesting that the products comply with the maximum contamination levels in force in Japan;
- E. whereas official controls by Member States' competent authorities only include documentary checks for all consignments listed in Annex II to Implementing Regulation (EU) 2016/6, as well as random identity checks and random physical checks including laboratory analysis for the presence of caesium-134 and caesium-137; whereas Commission Implementing Regulation (EU) 2019/1787 maintains a low frequency of controls at import into the Union;
- F. whereas Commission Implementing Regulation (EU) 2019/1787, based on occurrence data provided by the Japanese authorities concerning the period from January 2017 to December 2018, now lifts the requirement of sampling and analysis before export to the Union for certain products and prefectures; whereas no specific justification is given for this reduction in controls, other than the reference to the occurrence data provided by the Japanese authorities;
- G. whereas, according to Commission Implementing Regulation (EU) 2019/1787, the existing measures have been reviewed after taking into account more than 100 000 occurrence data on radioactivity in feed and food, other than beef, and more than 534 000 occurrence data on radioactivity in beef provided by the Japanese authorities from the seventh and eighth growing seasons (from January 2017 to December 2018) after the accident; whereas, while the changes in Commission Implementing Regulation (EU) 2019/1787 are based on a review of that data, neither the Commission review or a link to the raw data is provided in the text of that Regulation, nor is the Commission review made public;
- H. whereas the Japanese prefectures now covered by Annex II (Fukushima, Miyagi, Gunma, Yamanashi, Yamagata, Shizuoka, Ibaraki, Nagano and Niigata), as well as the three prefectures for which all sampling and analysis requirements have now been lifted have all been exposed to radioactive fallout from the nuclear disaster that occurred at the Fukushima power station on 11 March 2011;

Comments in relation to Annex I

⁴ Commission Implementing Regulation (EU) 2016/6 of 5 January 2016 imposing special conditions governing the import of feed and food originating in or consigned from Japan following the accident at the Fukushima nuclear power station and repealing Implementing Regulation (EU) No 322/2014 (OJ L 003 6.1.2016, p. 5).

- I. whereas Commission Implementing Regulation (EU) 2019/1787 maintains unchanged the existing Annex I to Implementing Regulation (EU) 2016/6, which sets out the maximum permitted levels as provided for in Japanese legislation for different food and feed categories⁵;
- J. whereas, other than the official controls referred to, no verification of compliance with the maximum levels for food and feed categories in Annex I is required, either in the form of documentation provided by the Japanese authorities or of checks and sampling at the Union's borders; whereas there is therefore no guarantee that those foods and feedstuffs do not exceed the maximum levels for radioactive contamination;
- K. whereas, by way of an example, no control requirements or obligations on the Japanese authorities to attest compliance with maximum radioactive contamination levels exist with regard to rice and derived products from the Fukushima prefecture; this includes rice used in baby food and food for young children; whereas given the particular vulnerability to radiation exposure of such groups, no level of contamination would be acceptable;
- L. whereas since 1 April 2012 the maximum levels of caesium-134 and caesium-137 as provided for in the Japanese legislation, and hence those listed in Annex I, have not been revised downwards; whereas eight years on from the Fukushima disaster, it is highly questionable whether the Union should be allowing into its food chain products with the following maximum levels of caesium-134 and caesium-137: 50 Bq/kg for food intended for infants and young children (such as infant formula, follow-on formula and baby food), as well as milk and milk-based drinks, 10 Bq/kg for mineral water, similar drinks and tea brewed from unfermented leaves, and 100 Bq/kg for all other foods;
1. Considers that Commission Implementing Regulation (EU) 2019/1787 exceeds the implementing powers provided for in Regulation (EC) No 178/2002;
 2. Considers that Commission Implementing Regulation (EU) 2019/1787 is not consistent with Union law in that it is not compatible with the aim and general principles laid down in Regulation (EC) No 178/2002 of providing the basis for ensuring a high level of protection of human life and health, animal health and welfare, the environment and consumer interests;
 3. Calls on the Commission to repeal Commission Implementing Regulation (EU) 2019/1787 and to submit a new draft to the committee by April 2020 at the latest;
 4. Calls on the Commission, when drafting its new proposal to, inter alia:
 - ensure that all food and feed imported from Japan into the Union, including the categories listed in Annex I, are subject to controls and checks;
 - revise downwards the maximum levels in Annex I, in particular in relation to foodstuffs for vulnerable groups such as milk and food for infants and young

⁵ 'Foods for infants and young children', 'Milk and milk-based drinks', 'Mineral water and similar drinks and tea brewed from unfermented leaves' and 'Other food', as well as feed intended for cattle, horses, pigs, poultry and fish.

children;

5. Calls on the Commission to make publicly available immediately, including on the Union's Rapid Alert System for Food and Feed, the analyses on which it bases its assessments, together with every future draft proposal, as well as details of the control system put in place by the Japanese authorities, with justifications for its relevance and effectiveness;
6. Calls on the Commission to provide an up-to-date picture of the radiological situation in Japan since 2011, as well as comprehensive year-by-year overviews for the period 2011-2019 of the radioactive matter released into both the atmosphere and the Pacific Ocean from the Fukushima nuclear power plant, and to conduct a thorough analysis with regard to food safety;
7. Calls on the Commission to order a critical analysis, to be made by a group of independent scientists, of the robustness of the analytical methods implemented by the Japanese operator TEPCO to evaluate the radiological and chemical characteristics of stored liquid effluents and to ensure a verification, by sampling, of the actual activity of the tanks; these controls should focus on the overall alpha and beta activity index, the artificial gamma emitting radionuclides (including Cs 134, Cs 137, Ru-Rh 106, iodine 129 and americium 241), Tritium, Strontium, Carbon 14, Plutonium and isotopes alpha emitters of Plutonium;
8. Asks the Commission to strongly advocate an international agreement on near zero-level discharges of liquid radioactive substances into the Pacific Ocean;
9. Requests that, in the future, Parliament is informed on draft implementing measures in a more timely manner, so that it can exercise its right of scrutiny in accordance with Article 11 of Regulation (EU) No 182/2011;
10. Instructs its President to forward this resolution to the Council and the Commission, and to the governments and parliaments of the Member States.