

COMMISSION IMPLEMENTING REGULATION (EU) 2023/1453**of 13 July 2023****repealing Implementing Regulation (EU) 2021/1533 imposing special conditions governing the import of feed and food originating in or dispatched from Japan following the accident at the Fukushima nuclear power station****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety ⁽¹⁾, and in particular Article 53(1)(b)(ii) thereof,

Having regard to Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) ⁽²⁾, and in particular Article 54(4), first subparagraph, point (b), and Article 90, first paragraph, points (a), (c) and (f), thereof,

Whereas:

- (1) Following the accident at the Fukushima nuclear power station on 11 March 2011, the Commission was informed that radionuclide levels in certain food products originating in Japan exceeded the action levels in food applicable in Japan. As such contamination may constitute a threat to public and animal health in the Union, the Commission Implementing Regulation (EU) No 297/2011 ⁽³⁾ imposed special conditions governing the import of food and feed originating in or consigned from Japan. That Implementing Regulation was repealed and replaced successively by Commission Implementing Regulations (EU) No 961/2011 ⁽⁴⁾, (EU) No 284/2012 ⁽⁵⁾, (EU) No 996/2012 ⁽⁶⁾, (EU)

⁽¹⁾ OJ L 31, 1.2.2002, p. 1.

⁽²⁾ OJ L 95, 7.4.2017, p. 1.

⁽³⁾ Commission Implementing Regulation (EU) No 297/2011 of 25 March 2011 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 (OJ L 80, 26.3.2011, p. 5).

⁽⁴⁾ Commission Implementing Regulation (EU) No 961/2011 of 27 September 2011 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 Regulation (EU) No 297/2011 (OJ L 252, 28.9.2011, p. 10).

⁽⁵⁾ Commission Implementing Regulation (EU) No 284/2012 of 29 March 2012 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 961/2011 (OJ L 92, 30.3.2012, p. 16).

⁽⁶⁾ Commission Implementing Regulation (EU) No 996/2012 of 26 October 2012 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 284/2012 (OJ L 299, 27.10.2012, p. 31).

No 322/2014 ⁽⁷⁾, (EU) 2016/6 ⁽⁸⁾ and (EU) 2021/1533 ⁽⁹⁾.

- (2) The special conditions governing the import of feed and food originating in or consigned from Japan following the accident at the Fukushima nuclear power station have been progressively alleviated by these successive reviews. The special conditions laid down in Implementing Regulation (EU) 2021/1533 set out strict maximum radionuclide levels of the listed commodities from affected prefectures and require those commodities to be tested on radioactivity before exporting to the Union and the authorities to certify compliance with the strict maximum radionuclide levels.
- (3) No non-compliances at the entry into the Union with those maximum radionuclide levels have been observed at import in the Union since June 2011, providing evidence that the control system put in place and the controls performed by the Japanese authorities are effective. Furthermore, the products originating from specific prefectures for which Implementing Regulation (EU) 2021/1533 lays down the special conditions for import are only traded in minor quantities to the Union and their contribution to the exposure of Union population to radionuclides is negligible.
- (4) The Japanese competent authorities have committed to maintain an appropriate and extensive control system for detecting the presence of radionuclides in feed and food and to make the monitoring results publicly available by publishing all the monitoring results on a regular basis on the website of the Ministry of Health, Labour and Welfare of Japan.
- (5) Therefore, even if the Commission will continue to follow up the levels of radionuclides in food and feed originating from Japan to ensure high protection of consumer safety, there is no longer a need to maintain the measures provided by Implementing Regulation (EU) 2021/1533 to ensure a high level of animal and public health protection.
- (6) It is therefore appropriate to repeal Implementing Regulation (EU) 2021/1533.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Repeal

Implementing Regulation (EU) 2021/1533 is hereby repealed.

Article 2

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

⁽⁷⁾ Commission Implementing Regulation (EU) No 322/2014 of 28 March 2014 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 (OJ L 95, 29.3.2014, p. 1).

⁽⁸⁾ 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 3, 6.1.2016, p. 5).

⁽⁹⁾ Commission Implementing Regulation (EU) 2021/1533 of 17 September 2021 imposing special conditions governing the import of feed and food originating in or dispatched from Japan following the accident at the Fukushima nuclear power station and repealing Implementing Regulation (EU) 2016/6 (OJ L 330, 20.9.2021, p. 72).

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 13 July 2023.

For the Commission
The President
Ursula VON DER LEYEN
