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**Import of feed and food originating in or consigned from Japan following the accident at the Fukushima nuclear power station****European Parliament resolution of 13 September 2017 on the draft Commission implementing regulation amending Commission Implementing Regulation (EU) 2016/6 as regards feed and food subjected to special conditions governing the import of feed and food originating in or consigned from Japan following the accident at the Fukushima nuclear power station (D051561/01 — 2017/2837(RSP))**

(2018/C 337/09)

*The European Parliament,*

- having regard to draft Commission implementing regulation amending Commission Implementing Regulation (EU) 2016/6 as regards feed and food subjected to special conditions governing the import of feed and food originating in or consigned from Japan following the accident at the Fukushima nuclear power station (D051561/01,
- 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 safety <sup>(1)</sup>, and in particular to Article 53(1)(b)(ii) 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 powers <sup>(2)</sup>,
- having regard to the motion for a resolution of the Committee on the Environment, Public Health and Food Safety,
- having regard to Rule 106(2) and (3) of its Rules of Procedure,

**General comments**

- A. whereas Implementing Regulation (EU) 2016/6 currently requires that consignments of a number of foodstuffs, including mushrooms, fish and fishery products, rice and soybeans, originating in or consigned from any part of Japan be accompanied by a valid declaration from the Japanese authorities attesting that the products comply with the maximum contamination limits in force in Japan (Article 5(1) and (2)); whereas the draft Commission implementing regulation (the 'draft proposal') now only requires that a limited list of food and feed from twelve prefectures, listed in Annex II, be accompanied by such a declaration; whereas the draft proposal also deletes a number of food and feed categories from Annex II;
- B. whereas, similarly, under Article 10 of the draft proposal official controls, namely documentary checks on all consignments and random identity checks and random physical checks including laboratory analysis for the presence of caesium-134 and caesium-137, would now only be required for food and feed listed in Annex II; whereas the draft proposal maintains a low frequency of controls at import (recital 12);
- C. whereas Implementing Regulation (EU) 2016/6, once amended as proposed by the Commission, will no longer require that Member States inform the Commission every three months, through the Rapid Alert System for Food and Feed, of all analytical results;

<sup>(1)</sup> OJ L 31, 1.2.2002, p. 1.

<sup>(2)</sup> OJ L 55, 28.2.2011, p. 13.

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- D. whereas the draft proposal maintains unchanged the existing Annex I to Implementing Regulation (EU) 2016/6, which sets out the maximum permitted levels as provided for in Japanese law for different food and feed categories <sup>(1)</sup>; whereas verification of compliance with the maximum limits for food and feed categories in Annex I is not required under Implementing Regulation (EU) 2016/6 or the draft proposal for its amendment, whether in the form of documentation provided by the Japanese authorities or of checks and sampling at the EU's borders; whereas there is therefore no guarantee that those foods and feedstuffs will comply with the maximum limits for radioactive contamination;
- E. whereas the draft proposal is based on occurrence data provided by the Japanese authorities for 2014, 2015 and 2016 (more than 132 000 data on radioactivity in feed and food other than beef, and more than 527 000 data on radioactivity in beef); whereas, while the changes in the draft proposal are based on a detailed analysis of the aforementioned data, neither this analysis nor a link to the raw data are provided in the text;
- F. whereas it is therefore very difficult to verify whether the measures proposed are sufficient to protect the health of Union citizens;
- G. whereas, however, even without the analysis on which the Commission has based its proposal, there are sufficient reasons to believe that this proposal could lead to an increase in exposure to radioactive contaminated food with a corresponding impact on human health;
- H. whereas the chairman of the Tokyo Electric Power Company (TEPCO) has officially requested permission from the Japanese Government to dump 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;

#### *Specific comments in relation to Annex II*

- I. whereas the Japanese prefectures which are currently covered by Annex II (Fukushima, Miyagi, Akita, Yamagata, Nagano, Gunma, Ibaraki, Tochigi, Chiba, Iwate, Yamanashi, Shizuoka and Niigata) are all exposed to radioactive fallout from the nuclear disaster that occurred at the Fukushima power station in 2011;
- J. whereas, without justification, the draft proposal deletes from Annex II rice and derived products from Fukushima prefecture; whereas this means that there will no longer be any requirement to sample and analyse those products on entry into the Union nor any obligation on the Japanese authorities to attest to their compliance with maximum radioactive contamination levels; whereas one of the rice-derived products removed from Annex II is rice used in baby food and food for young children <sup>(2)</sup>; whereas for the groups concerned, given their particular vulnerability to radiation exposure, no level of contamination would be acceptable; whereas under the Japan-EU Free Trade Agreement exports of rice from Japan could increase; whereas, as evacuation orders have recently been lifted, it is likely that the cultivation of rice will resume in contaminated paddies;
- K. whereas while recital 7 of the draft proposal states that only rice and products derived therefrom originating in Fukushima prefecture will be removed from Annex II, Annex II is also amended so as to now allow, without controls, sampling or analysis, the import into the Union of seven fish species (including Atlantic and Pacific bluefin tuna and mackerel), as well as crustaceans and molluscs, which are caught or harvested in the waters of Fukushima;

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<sup>(1)</sup> '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.

<sup>(2)</sup> Falling within CN code 1901.

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- L. whereas, under the proposal, seven fish species (including Atlantic and Pacific bluefin tuna and mackerel), crustaceans (such as lobsters and shrimps) and molluscs (such as clams and mussels) will also be removed from Annex II for six other prefectures, namely Miyagi, Iwate, Gunma, Ibaraki, Chiba and Tochigi; whereas no justification or explanation is given for this reduction in controls, and no explanation is provided as to why, for example, those species are now considered safe enough to import into the Union without controls while others are not;
- M. whereas under the proposal Annex II will no longer cover any products originating from Akita prefecture (it currently covers five products from Akita — mushrooms, Aralia, bamboo shoots, Japanese royal fern and koshiabura (an edible wild plant) — and all of their derived products); whereas no justification or explanation is given for this reduction in controls;
- N. whereas Annex II will no longer cover Aralia, bamboo and Japanese royal fern originating from Yamagata; whereas no justification or explanation is given for this reduction in controls;
- O. whereas Annex II will no longer cover Japanese royal fern, bracken and ostrich fern from the five prefectures of Iwate, Gunma, Ibaraki, Chiba and Tochigi; whereas no justification or explanation is given for this reduction in controls;
- P. whereas the only addition to Annex II is 'fish and fishing products' from Nagano prefecture; whereas no justification for this tightening of controls is given; whereas systematic controls were lifted for this prefecture in December 2011; whereas in March 2014 certain wild edible plants were again added to Annex II;

#### ***Specific comments in relation to Annex I***

- Q. whereas the draft proposal maintains unchanged the existing Annex I to Implementing Regulation (EU) 2016/6, which sets out the maximum permitted levels as provided for in Japanese law; whereas verification of compliance with the maximum limits for food and feed categories in Annex I is not required under Implementing Regulation (EU) 2016/6 or the draft proposal for its amendment, whether in the form of documentation provided by the Japanese authorities or of checks and sampling at the EU's borders; whereas there is therefore no guarantee that those foods and feedstuffs do not exceed the maximum limits for radioactive contamination;
  - R. whereas since 1 April 2012 the maximum limits in force in Japan, and hence those listed in Annex I, have not been revised downwards; whereas these limits should be reduced, in particular in relation to foodstuffs for vulnerable groups such as milk and food for infants and babies;
  - S. whereas six years on from the disaster, it is highly questionable whether the Union should be allowing into its food chain (even in theory — given that there is no legal obligation for controls at Union borders) products with the following maximum levels of caesium-134 and caesium-137: 50Bq/kg for food intended for babies and infants (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 the draft Commission implementing regulation exceeds the implementing powers provided for in Regulation (EC) No 178/2002;
  2. Considers that the draft Commission implementing regulation 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 withdraw its draft implementing regulation and to submit a new draft to the committee by the end of 2017 at the latest;

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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 limits in Annex I; and
    - take into account the recent lifting of evacuation orders in the affected prefectures and ensure that there is no corresponding negative impact on the levels of radioactive contamination of food and feed imported into the Union;
  5. Calls on the Commission, pending the drafting of its new proposal, to put in place emergency measures, as required under Article 53 of Regulation (EC) No 178/2002, to ensure the highest possible levels of protection of human health;
  6. Calls on the Commission to immediately make publicly available, including on the Union's Rapid Alert System for Food and Feed, the analysis on which it based its draft proposal, as well details of the control system put in place by the Japanese authorities, with justifications for its relevance and effectiveness;
  7. 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 2011-2017 of the radioactive matter released into both the atmosphere and the Pacific Ocean from the Fukushima nuclear power plant, so that a thorough analysis can be conducted with regard to food safety;
  8. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.
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