

**Opinion of the**  
**Group of Experts referred to in Article 31 of the Euratom Treaty**  
**on a draft proposal for an implementing regulation**  
***imposing conditions governing the import of food, minor food and feed originating in third countries following the accident at the Chernobyl nuclear power station***

(Adopted by the Group of Experts referred to in Article 31 of the Euratom Treaty at the meeting on  
13 June 2019)

In November 2018, the *Group of Experts referred to in Article 31 of the Euratom Treaty* recommended in an *Opinion on the Prolongation of the latest Post-Chernobyl Regulation – Council Regulation 733/2008<sup>1</sup> amended by Council Regulation 1048/2009<sup>2</sup>*, to establish a legally binding instrument extending the latest Post-Chernobyl measures beyond 31 March 2020 for another period of 10 years. The Group of Experts further confirmed that the currently applicable maximum permitted levels of radioactivity in terms of <sup>134</sup>Cs and <sup>137</sup>Cs of 370 Bq/kg for milk, milk products and infant foodstuffs and 600 Bq/kg for all other products should be maintained.

The Commission informed the Group of Experts that the Commission Legal Service on request advised to prolong the measures in form of a Commission implementing regulation on the basis of 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<sup>3</sup>, and in particular Article 53(1)(b)(ii) thereof.

Based on the Opinion of the Group of Experts from November 2018, and the opinion of the Commission Legal Service of 22/01/2019, the Commission presented to the Group of Experts a draft implementing regulation imposing conditions governing the import of food, minor food and feed originating in third countries following the accident at the Chernobyl nuclear power station.

The Group of Experts notes that the scope of the proposed implementing regulation covers food, minor food and feed as defined in Council Regulation (Euratom) 2016/52<sup>4</sup>, and defines applicable maximum permitted levels of radioactivity in terms of <sup>134</sup>Cs and <sup>137</sup>Cs in line with the Opinion given in November 2018.

The Group of Experts confirms that each consignment of mushrooms shall continue to be accompanied by a valid export certificate. The Group of Experts considers it appropriate to require

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<sup>1</sup> Council Regulation (EC) No 733/2008 of 15 July 2008 on the conditions governing imports of agricultural products originating in third countries following the accident at the Chernobyl nuclear power station (codified version), Official of the European Union, L 201, 30.07.2008, p. 1 – 7.

<sup>2</sup> Council Regulation (EC) No 1048/2009 of 23 October 2009 amending Regulation (EC) No 733/2008 on the conditions governing imports of agricultural products originating in third countries following the accident at the Chernobyl nuclear power station, Official of the European Union, L 290, 6.11.2009, p. 4 – 4

<sup>3</sup> OJ L 31, 1.2.2002, p. 1.

<sup>4</sup> Council Regulation (Euratom) 2016/52 of 15 January 2016 laying down maximum permitted levels of radioactive contamination of food and feed following a nuclear accident or any other case of radiological emergency, and repealing Regulation (Euratom) No 3954/87 and Commission Regulations (Euratom) No 944/89 and (Euratom) No 770/90, Official of the European Union, L 13, 20.1.2016, p. 2 - 13

documentary checks on all consignments of mushrooms accompanied by a valid export certificate, and random identity checks and random physical checks, including laboratory analysis on the presence of  $^{134}\text{Cs}$  and  $^{137}\text{Cs}$ .

Further to this, the Group of Experts recommends to maintain current requirements as regards products other than mushrooms in terms of certification and control.



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