

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)

Article 1

With the exception of the products unfit for human consumption listed in Annex I and those products which may come to be excluded from the scope of this Regulation in accordance with the procedure referred to in Article 5(2), this Regulation shall apply to the products originating in third countries covered by:

- (a) Annex I to the Treaty;
- (b) Council Regulation (EC) No 1667/2006 of 7 November 2006 on glucose and lactose⁽¹⁾;
- (c) Council Regulation (EEC) No 2783/75 of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin⁽²⁾;
- (d) Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products⁽³⁾.

Article 2

1 Without prejudice to other provisions in force, the release for free circulation of the products referred to in Article 1 shall be subject to compliance with the maximum permitted levels laid down in paragraph 2 of this Article:

2 The accumulated maximum radioactive level in terms of caesium-134 and -137 shall be⁽⁴⁾:

- a 370 Bq/kg for milk and milk products listed in Annex II and for foodstuffs intended for the special feeding of infants during the first four to six months of life, which meet, in themselves, the nutritional requirements of this category of persons and are put up for retail sale in packages which are clearly identified and labelled 'food preparation for infants';
- b 600 Bq/kg for all other products concerned.

Article 3

1 Member States shall check compliance with the maximum permitted levels laid down in Article 2(2) in respect of the products referred to in Article 1, taking into account contamination levels in the country of origin.

Checking may also include the presentation of export certificates.

Depending on the results of the checks carried out, Member States shall take the measures required for Article 2(1) to apply, including the prohibition of release for free circulation, taking each case individually or generally for a given product.

2 Each Member State shall provide the Commission with all information concerning the application of this Regulation, notably cases of non-compliance with the maximum permitted levels.

The Commission shall circulate such information to the other Member States.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 733/2008. (See end of Document for details)

3 Where cases of repeated non-compliance with the maximum permitted levels have been recorded, the necessary measures may be taken in accordance with the procedure referred to in Article 5(2).

Such measures may even include the prohibition of the import of products originating in the third country concerned.

Article 4

The arrangements for applying this Regulation, any amendments to be made to the products in Annex I, and the list of products excluded from this Regulation shall be adopted in accordance with the procedure referred to in Article 5(2).

Article 5

1 The Commission shall be assisted by a committee.

2 Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at one month.

Article 6

Council Regulation (EEC) No 737/90, as amended by the Regulations listed in Annex III, is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex IV.

Article 7

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

[^{F1}It shall expire:

1. on 31 March 2020, unless the Council decides otherwise at an earlier date, in particular if the list of excluded products referred to in Article 4 covers all the products fit for human consumption to which this Regulation applies;
2. upon the entry into force of the Commission Regulation referred to in Article 2(1) of Regulation (Euratom) No 3954/87, if such entry into force takes place before 31 March 2020.]

Textual Amendments

- F1** Substituted by [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.](#)

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

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 733/2008. (See end of Document for details)

- (1) [OJ L 312, 11.11.2006, p. 1.](#)
- (2) [OJ L 282, 1.11.1975, p. 104.](#) Regulation as last amended by Commission Regulation (EC) No 2916/95 ([OJ L 305, 19.12.1995, p. 49.](#))
- (3) [OJ L 318, 20.12.1993, p. 18.](#) Regulation as last amended by Regulation (EC) No 2580/2000 ([OJ L 298, 25.11.2000, p. 5.](#))
- (4) The level applicable to concentrated or dried products shall be calculated on the basis of the reconstituted product as ready for consumption.

Changes to legislation:

There are currently no known outstanding effects for the Council Regulation (EC) No 733/2008.