

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 (Text with EEA relevance)

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

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

[^{F1}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,

Whereas:

- (1) Article 53 of Regulation (EC) No 178/2002 provides for the possibility to adopt appropriate Union emergency measures for food and feed imported from a third country in order to protect public health, animal health or the environment, where the risk cannot be contained satisfactorily by means of measures taken by the Member States individually.
- (2) 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. Such contamination may constitute a threat to public and animal health in the Union and therefore Commission Implementing Regulation (EU) No 297/2011⁽²⁾ was adopted. That Regulation was replaced by Implementing Regulation (EU) No 961/2011⁽³⁾ which was later replaced by Implementing Regulation (EU) No 284/2012⁽⁴⁾. The latter was replaced by Implementing Regulation (EU) No 996/2012⁽⁵⁾ which was later replaced by Implementing Regulation (EU) No 322/2014⁽⁶⁾.
- (3) Since Implementing Regulation (EU) No 322/2014 provides that the measures provided therein are to be reviewed by 31 March 2015 and in order to take into account the further development of the situation and occurrence data for 2014 on radioactivity in feed and food, it is appropriate to repeal Implementing Regulation (EU) No 322/2014 and adopt a new Regulation.

Status: Point in time view as at 25/06/2022.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2016/6, Introductory Text. (See end of Document for details)

- (4) The existing measures have been reviewed taking into account more than 81 000 occurrence data on radioactivity in feed and food other than beef and more than 237 000 occurrence data on radioactivity in beef, provided by the Japanese authorities concerning the fourth growing season after the accident.
- (5) Alcoholic beverages falling within the CN codes 2203 to 2208 are no longer explicitly excluded from the scope as the requirements as regards sampling and analysis and declaration apply to a defined list of feed and food.
- (6) The data submitted by the Japanese authorities provide evidence that it is no longer necessary to require the sampling and analysis of feed and food originating in the prefectures of Aomori and Saitama regarding the presence of radioactivity before export to the Union.
- (7) For feed and food products originating in the prefecture of Fukushima, the criterion of no non-compliance found by the Japanese authorities for two consecutive years (2013 and 2014), has been used for the current review to lift the requirement of sampling and analysis before export to the Union for those feed and food products. For the other feed and food originating in that prefecture, it is appropriate to maintain the requirement of sampling and analysis before export to the Union.
- (8) It is appropriate to present the provisions of this Regulation in a manner that prefectures of which the same feed and food has to be sampled and analysed before export to the Union are grouped together, in order to facilitate the application of this Regulation.
- (9) As regards the prefectures of Gunma, Ibaraki, Tochigi, Miyagi, Iwate and Chiba, it is currently required to sample and analyse mushrooms, fishery products, rice, soybeans, buckwheat and certain edible wild plants and the processed and derived products thereof, before export to the Union. The same requirements apply to compound foodstuffs containing more than 50 % of those products. The occurrence data for the fourth growing season provide evidence that for several of those feed and food commodities, it is appropriate to no longer require sampling and analysis before export to the Union.
- (10) As regards the prefectures of Akita, Yamagata and Nagano, it is currently required to sample and analyse mushrooms and certain edible wild plants and the processed and derived products thereof before export to the Union. The occurrence data for the fourth growing season provide evidence that for one of the edible wild plants, it is appropriate to no longer require sampling and analysis before export to the Union. On the other hand, as a consequence of the finding of non-compliance in an edible wild plant, it is appropriate to require sampling and analysis of this edible wild plant originating from those prefectures.
- (11) The occurrence data from the fourth growing season provide evidence that it is appropriate to maintain the requirement for sampling and analysis before export to the Union for mushrooms originating from the prefectures of Shizuoka, Yamanashi and Niigata. As a consequence of the finding of non-compliance in an edible wild plant, it is appropriate to require sampling and analysis of this edible wild plant originating from those prefectures.

Status: Point in time view as at 25/06/2022.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2016/6, Introductory Text. (See end of Document for details)

- (12) The controls performed at import show that the special conditions provided for by Union law are correctly implemented by the Japanese authorities and non-compliance has not been found at import controls for more than three years. Therefore, it is appropriate to keep the low frequency of controls at import and to no longer require that Member States inform the Commission every three months through the rapid alert system for food and feed (RASFF) of all analytical results.
- (13) The transitional measures provided for in Japanese legislation, set out in Annex III to Implementing Regulation (EU) No 322/2014, are no longer of relevance for the feed and food currently imported from Japan and should therefore no longer be referred to in this Regulation.
- (14) It is appropriate to foresee a review of the provisions of this Regulation when the results of sampling and analysis on the presence of radioactivity of feed and food of the fifth growing season (2015) after the accident are available, i.e. by 30 June 2016. The criteria for the review will be determined at the time of the review.
- (15) 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:]

Textual Amendments

- F1** Regulation revoked (S.) (25.6.2022) by [The Food and Feed Safety \(Fukushima Restrictions\) \(Scotland\) Revocation Regulations 2022 \(S.S.I. 2022/166\)](#), regs. 1, 2

Status: Point in time view as at 25/06/2022.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2016/6, Introductory Text. (See end of Document for details)

- (1) [OJ L 31, 1.2.2002, p. 1.](#)
- (2) 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.](#))
- (3) 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.](#))
- (4) 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.](#))
- (5) 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.](#))
- (6) 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.](#))

Status:

Point in time view as at 25/06/2022.

Changes to legislation:

There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2016/6, Introductory Text.