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Date: Vienna, 10 May 2011

To: José Manuel Barroso
President of the European Commission
1049 Brussels

Ref. 13026.0036/15-L1.3/2011

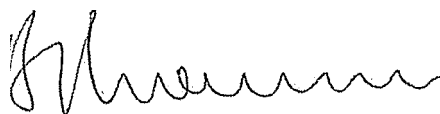
Dear Mr Barroso,

The *Ständige Unterausschuss in Angelegenheiten der Europäischen Union* (Permanent Sub-Committee on EU Affairs) of the Austrian *Nationalrat* adopted the enclosed **Memorandum pursuant to Article 23f subpara. 4 of the B-VG** (Federal Constitutional Act) at its meeting on 10 May 2011 in the course of the consultation on the EU draft:

European Commission, Health and Consumers Directorate-General
Note to the competent authorities of the Member States

Recommendation on the monitoring of the presence of I-131, CS-134 and CS-137 in fish and fishery products (and derived/processed products thereof) originating in/caught in certain fishing areas of the Pacific Region (50778/EU XXIV.GP).

Yours sincerely,



Barbara Prammer

Attachment

MEMORANDUM

**from the Permanent Sub-Committee on EU Affairs
of the Main Committee of the *Nationalrat*
of 10 May 2011**

pursuant to Art. 23f subpara. 4 B-VG

European Commission, Health and Consumers Directorate-General

Note to the competent authorities of the Member States

Recommendation on the monitoring of the presence of I-131, CS-134 and CS-137 in fish and fishery products (and derived/processed products thereof) originating in/caught in certain fishing areas of the Pacific Region

(50778/EU XXIV.GP)

Following widespread protests, a considerable decrease in the maximum authorised radioactive contamination of Japanese foods imported into the European Union was provided for under Implementing Regulation 351/2011 of 11 April 2011 imposing special conditions on the import of food and feed originating in or consigned from Japan. The related approximation of European and Japanese limit values is in line with the precautionary principle and therefore makes an important contribution to health protection.

However, the above-mentioned Implementing Regulation still maintains a distinction between the various Japanese prefectures. Austria considers that such differentiation should still be rejected, as it simply leads to higher administrative expenditure and complicates controls. Furthermore, it misjudges the essence of a nuclear catastrophe, which of course is not limited to a specific region. For instance, wind-blown dispersal, the contamination of ground- or seawater and the infiltration of nuclear contaminated materials into the food and production chain create a risk that the control system currently required by the EU will leave gaps, unless additional voluntary measures are taken by the Member States (e.g. see Austria's requirements for comprehensive checks on all imports from Japan, irrespective of their prefecture of origin). Even if the probability of a real risk to health due to these gaps is low, there must be full respect for the precautionary principle.

Measures must therefore be taken even if there is the slightest chance of contamination by radioactive substances, in order to rule out the possibility of people coming into contact with the materials or products in question without protection.

The European Commission has now taken account of the precautionary principle through its recommendation to the Member States to conduct random checks on fish and fish products which come from specific fishing areas in the Pacific, and to notify the results to the European Commission on a weekly basis. This recommendation should be made binding in the light of the precautionary principle.

However, products and materials other than food which are imported into the EU can also show radioactive contamination. The European Commission must exercise caution and make decisions for these cases too.

The *Nationalrat* therefore calls on the European Commission to:

- put forward proposals to immediately stop differentiating between the various Japanese prefectures in relation to imports of food and feed from Japan;
- attach greater importance to the effects of radioactive substances infiltrating the food chain, in particular by imposing regulatory controls of Pacific fish;
- where necessary, reserve the right to impose a complete ban on imports of Japanese foods or foods from the Pacific area;
- take measurements and risk assessments on a regular basis in order to check on the need to extend, and initiate where appropriate, all protection measures to include other countries;
- subject materials which may be directly affected by radioactive contamination (ships, ship containers, aircraft, etc.) to a systematic control;
- prepare measures which can prevent radioactive material from infiltrating the production chain or products manufactured using such materials from being imported into the EU;
- check and, where necessary, lower the limit values in the relevant European provisions for the radioactive contamination of food and feed on the basis of existing and current scientific knowledge, in line with the precautionary principle.