COMMISSION RECOMMENDATION

of 20 February 2003

on the protection and information of the public with regard to exposure resulting from the continued radioactive caesium contamination of certain wild food products as a consequence of the accident at the Chernobyl nuclear power station

(notified under document number C(2003) 510)

(2003/120/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 38(1), and the second indent of Article 124 thereof,

Having regard to the opinion of the Group of Experts appointed by the Scientific and Technical Committee pursuant to Article 31 of the Treaty,

Whereas:

(1) Following the accident at the Chernobyl nuclear power station on 26 April 1986, considerable quantities of radioactive materials were released into the atmosphere.

(2) The fallout of radioactive caesium from the accident at the Chernobyl nuclear power station has affected a wide range of third countries.

(3) Significant fallout has affected certain parts of the territories of a number of Member States and countries applying for accession to the European Union.

(4) Council Regulation (EEC) No 737/90 of 22 March 1990 on the conditions governing imports of agricultural products originating in third countries following the accident at the Chernobyl nuclear power-station [1], as last amended by Regulation (EC) No 616/2000 [2], fixed for agricultural products in third countries intended for human consumption, maximum permitted levels of radioactive caesium with which imports must comply and in connection with which checks are carried out by Member States.

(5) In a statement to the Council, on 12 May 1986 in connection to the adoption of Council Regulation (EEC) No 1707/86 of 30 May 1986 on the conditions governing imports of agricultural products originating in third countries following the accident at the Chernobyl nuclear power-station [3], Member States committed themselves to apply the same maximum permitted levels to trade within the Community.

(6) Commission Regulation (EC) No 1661/1999 of 27 July 1999 laying down detailed rules for the application of Council Regulation (EEC) No 737/90 on the conditions governing imports of agricultural products originating in third countries following the accident at the Chernobyl nuclear power-station [4], as last amended by Regulation (EC) No 1608/2002 [5], has, *inter alia*, introduced specific conditions strengthening the controls on the imports of non-cultivated mushrooms from a number of third countries.

(7) Member States have applied and still apply when necessary, similar checks and conditions for the placing on the market of foodstuffs emanating from their national agro-industrial food supply chains in particular with regard to meat from sheep and reindeer.

(8) The measures *in situ* in the territories of the Member States flow from existing legal obligations set out in Council Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of the workers and the general public against the dangers arising from ionising radiation [6] and in Articles 35 and 36 of the Euratom Treaty.

(9) Natural and semi-natural ecosystems such as forests and wooded areas generally are the natural habitat of wild game, berries and mushrooms and such ecosystems tend to retain radioactive caesium in a cyclic exchange between upper soil layers (litter), bacteria, microfauna, microflora and vegetation. In addition, the soil of such ecosystems which consists for the most part of organic matter tends to increase the biological availability of radioactive caesium.

(10) The forest plants likely to be consumed by man are the edible fruit species, in particular wild berries like bilberries, cloudberries, cranberries, raspberries, blackberries and wild strawberries. Radioactive caesium contamination trends in wild berries show that contamination has decreased slowly or remained stable in particular in perennial species, since the Chernobyl accident.

[1] OJ L 82, 29.3.1990, p. 1.
[2] OJ L 75, 24.3.2000, p. 1.
[3] OJ L 146, 31.5.1986, p. 88.
[4] OJ L 197, 29.7.1999, p. 17.
[5] OJ L 243, 11.9.2002, p. 7.
[6] OJ L 159, 29.6.1996, p. 1.

(11) Many species of edible wild mushrooms (chanterelles, bay boletus, hedgehogs and other well-known edible mushrooms), due to the impact of the nature of forest soils on the availability of radioactive caesium, continue to develop levels of radioactive caesium exceeding 600 Bq/kg. Mushrooms of the mycorrhizal species living in symbiosis with trees and having a deep-growing mycelium (*Boletus edulis*, for example) were affected much later by the fallout and today present very high levels of radioactive caesium contamination.

(12) Radioactive caesium contamination also affects animal species such as wild game and carnivorous freshwater fish from lakes in areas with the highest deposition. In particular, the presence of highly contaminated species in the diet (lichen, mosses, and in particular certain species of mushrooms) clearly contributes to increasing the contamination of the wild game consuming them.

(13) It is assumed that the duration of radioactive caesium contamination following the Chernobyl accident of a number of products originating from species living and growing in forests and other natural and semi-natural ecosystems essentially relates to the physical half-life of that radionuclide which is some 30 years and that therefore no appreciable change as regards the radioactive caesium contamination of these products will be observed in the next decades.

(14) In recent years, data provided by some Member States to the Commission has shown that high levels of radioactive caesium could be found in wild game, berries, mushrooms and carnivorous lake fish.

(15) The incidence of wild game meat exceeding 600 Bq/kg of radioactive caesium is slowly decreasing except for wild boar, non-negligible quantities of wild game meat originated in certain parts of the territories of a number of Member States and applicant countries continue to exceed the above limits.

(16) In certain regions of the Federal Republic of Germany the radioactive caesium levels in meat of wild boar can be ten or more times higher than levels in roe deer or red deer. For example, the incidence of cases of wild boar exceeding 600 Bq/kg of radioactive caesium has been constantly rising since 1996 and was about 51 % in 1999 with peak values exceeding 10 000 Bq/kg.

(17) It can be assumed that parts of the territories of a number of other Member States and applicant countries, presenting similar levels of radioactive caesium deposition would have contamination levels in meat from wild game and in particular in wild boar comparable to those in the Federal Republic of Germany.

(18) Recent data indicate that radioactive caesium concentrations remain high in carnivorous freshwater fish from lakes in areas with the highest deposition, with peak values exceeding 10 000 Bq/kg in pike and 5 000 Bq/kg in perch.

(19) The placing on the market of edible wild products does not necessarily proceed through the agro-industrial food supply chains, the national statutory monitoring and checks could therefore be bypassed.

(20) Member States have informed the population of the health risk resulting from consumption of certain food categories in the aftermath of the Chernobyl accident, public awareness of the continued contamination of wild food products tends to decline.

(21) Although the implication of the contamination of wild products for the health of the general public is very low, the health risk to persons who consume large quantities of such products from affected regions cannot be neglected, and it is therefore necessary to strengthen the public awareness of those dangers.

(22) 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] has set up a system for the rapid exchange of information. It is necessary to use that system for exchanging information between the Member States on recorded cases of exceedance of the maximum permitted levels,

HEREBY RECOMMENDS:

1. For the purpose of protecting the health of the consumer, Member States should take appropriate steps to ensure that the maximum permitted levels in terms of caesium-134 and 137 referred to in Article 3 of Regulation (EEC) No 737/90 are respected in the Community for the placing on the market of wild game, wild berries, wild mushrooms and carnivorous lake fish.

2. Member States should inform the population, in regions where there is a potential for such products to exceed the maximum permitted levels, of the health risk involved.

[1] OJ L 31, 1.2.2002, p. 1.

3. Member States should inform the Commission and each other of recorded cases of such products placed on the Community market exceeding the maximum permitted levels through the Community Rapid Alert System laid down in Regulation 2002/178/EC.
4. Member States should inform the Commission and the other Member States of the action taken in response to this recommendation.

Done at Brussels, 20 February 2003.

For the Commission
Margot WALLSTRÖM
Member of the Commission