

José Manuel Barroso  
Präsident der European Commission  
1049 Brüssel  
Belgien

Your ref.	Our ref.	Official in charge	Tel	<b>501 65</b>	Fax	<b>501 65</b>	Date
	EU-AmS/We/Do	Wedl	DW	2607	DW	2199	07.04.2011

Regulations for Japanese food imports following the Fukushima reactor  
accident  
BAK Registration Number: 23869471911-54

Dear Mr. President,

The Austrian Federal Chamber of Labour is the legal representation of interest for about 3.2 million employees and consumers in Austria. It represents its members in all social, educational, economical and consumer policy matters both at national and Brussels EU level. Apart from that, the BAK is part of the Austrian social partnership.

On behalf of the BAK, we would like to draw your attention to the high level of public criticism, which the Implementing Regulation No. 297/2011 of 25 March 2011 has entailed in Austria.

To begin with, the BAK agrees that the accident at the Fukushima nuclear power plant **requires special regulations** for food and feed imports. However, in view of the more detailed structure and contents of the regulations, we share the irritations and the lack of understanding of the Austrian public and demand the immediate revision of the Implementing Regulation named above as well a further measures, which ensure the protection of the European population against radioactive contaminated food.

In this context we would like to point out that in accordance with the respective Implementing Regulation the admissible limits for food imports from Japan exceed both the limits set within the EU and those of Japan itself. In accordance with Regulation 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, the accumulated maximum radioactive level in terms of caesium 134 and 137 should be 370 Becquerel/kg (infant food and milk products) resp. 600 Becquerel/kg in respect of other food. However, the level for food from

certain Japanese regions is now at 400 Becquerel/kg (infant food), 1,000 Becquerel/kg (milk products) and 1,250 Becquerel/kg (other food).

What is also of significance is the fact that in contrast to the Regulations following the reactor disaster of Chernobyl **no shortage** of food has to be dealt with. In this respect, we find the references made to the respective Euratom Regulations Numbers 3954/87, 944/89 and 770/90 of the Commission incomprehensible.

Hence, with regard to its measures following the Fukushima reactor accident, the European Commission must orientate itself exclusively towards the so-called **precautionary principle**: based on this, burdens on or damages to the environment respective human health have to be avoided or minimized as far as possible in advance (also and in particular in case of incomplete knowledge base).

Against this background, the Austrian Federal Chamber of Labour regards the following measures as being necessary:

- **Import ban for Japanese food**

Several countries are currently looking into this measure. According to our information, India was the latest country to impose an import ban. An import ban to protect the population of the Union is without a doubt the **most effective measure** and is in particular appropriate and proportionate until the hazardous situation in Japan has been finally clarified.

- **Revision of the Implementing Regulation**

Notwithstanding an import ban requested by us, the relevant **limits have to be lowered** - at least to the generally accepted level within the EU (among others as defined in Regulation 733/2008). However, these have to be referred to in case of lower Japanese limits, also to counteract pollution exports effectively.

In addition, it is necessary to implement a **regional expansion** of the special regulations to the entire Japanese territory. Food outside the currently included prefectures (Fukushima, Gunma, Ibaraki, Tochigi, Miyagi, Yamagata, Niigata, Nagano, Yamanashi, Saitama, Tokyo and Chiba) is, based on the risks, which cannot be contained regionally, in danger of being equally contaminated. Apart from that, the differentiation according to individual regions would make controls far more difficult and would in the end also increase the control efforts and expenditure of the EU.

- **Ensuring controls**

In order to protect the population, the Commission must also rigorously check the import controls in the Member States. In particular in the light of the EU Single Market with 27 Member States it has to be ensured that Japanese food is subjected to tight controls at the external

frontiers of the EU. However, it is also necessary to raise the awareness of national controlling authorities within the EU and to instruct them to carry out regular controls for the reasons given.

We would finally ask you to immediately initiate the measures mentioned above and remain,

Yours sincerely,

Herbert Tumpel  
President

Werner Muhm  
Director

Identical copy sent to:

John Dalli, European Commissioner for Health and Consumer Policy  
Karel De Gucht, Member of the European Commission  
Johannes Hahn, Member of the European Commission