

## Letter from the European Ombudsman opening own-initiative inquiry OI/5/2011/BEH concerning the European Commission

Correspondence - 13/09/2011

**Case** OI/5/2011/BEH - **Opened on** 19/05/2011 - **Decision on** 06/09/2011 - **Institution concerned** European Commission ( No maladministration found ) |

Mr José Manuel Barroso President European Commission 1049 Brussels BELGIQUE

Strasbourg, 19/05/2011

Own-initiative inquiry OI/5/2011/BEH concerning the European Commission

Dear Mr President,

According to Article 228 of the Treaty on the Functioning of the European Union, the European Ombudsman is empowered to conduct inquiries of his own initiative in relation to possible instances of maladministration in the activities of the Union institutions, bodies, offices or agencies.

Following the accident at the Fukushima nuclear power station in March 2011, the issue of the maximum permitted levels of radioactive contamination of foodstuffs in the EU (henceforth referred to as 'maximum permitted levels') has received substantial attention from, among others, citizens, non-governmental organisations, and the media.

Based on complaints submitted to me, it appears that a number of Union citizens perceive a lack of precise and reliable information as regards the changes made to the maximum permitted levels in the aftermath of the Fukushima accident. While the Commission's own websites provide links to relevant implementing legislation adopted by it, namely, Implementing Regulations 297/2011 and 351/2011, no comparative information on the maximum permitted levels before and after the Fukushima accident has apparently been made available.

In view of these circumstances, I have decided to open an own-initiative inquiry into the subject of the **maximum permitted levels before and after the Fukushima accident** . The aim of the



present own-initiative inquiry is to establish reliable information on the maximum permitted levels in force before the Fukushima accident and after that accident, as then determined, in particular, by Implementing Regulations 297/2011 and 351/2011.

I would like to request the Commission to submit an opinion on the above issue.

Given that it is my intention to make the information obtained in the course of the present own-initiative available to the public, I would be grateful if you could provide me with precise figures, preferably also in the form of graphs and charts which would allow an easy identification of the maximum permitted levels in force (i) before the Fukushima accident, and, (ii) after that accident, pursuant to Implementing Regulations 297/2011 and 351/2011.

Given the current interest in and the relevance of the aforesaid subject, I would greatly appreciate your reply by 30 June 2011.

Should your services require any further information concerning this own-initiative inquiry, please do not hesitate to contact Mr Bernhard Hofstötter, the legal officer handling this case (+33 388 17 81 05).

Yours sincerely,

P. Nikiforos Diamandouros