

# Procedure file

| Basic information  |                                |  |
|--|--------------------------------|--|
| DEA - Delegated acts procedure   | <a href="#">2013/2997(DEA)</a> | Procedure completed - delegated act rejected |
| Provision of food information to consumers as regards the definition of 'engineered nanomaterials'<br>Supplementing <a href="#">2008/0028(COD)</a> |                                |  |
| Subject<br>4.60.02 Consumer information, advertising, labelling<br>4.60.04.04 Food safety  |                                |  |

| Key players         |  |   |            |
|---------------------|--|---|------------|
| European Parliament | Committee responsible                                  | Rapporteur                              | Appointed  |
|                     | <b>ENVI</b> Environment, Public Health and Food Safety |   | 05/02/2014 |
|                     |  | PPE <a href="#">KLASS Christa</a>       | 05/02/2014 |
|                     |  |   | 05/02/2014 |
|                     |  | PPE <a href="#">PIETIKÄINEN Sirpa</a>   | 05/02/2014 |
|                     |  |   | 05/02/2014 |
|                     |  | S&D <a href="#">WESTLUND Åsa</a>        |            |
|                     | ALDE <a href="#">RIES Frédérique</a>                   |   |            |
|                     |  | Verts/ALE <a href="#">SCHLYTER Carl</a> |            |

| Key events |   |   |         |
|------------|---|---|---------|
| 12/12/2013 | Non-legislative basic document published  | <a href="#">C(2013)08887</a>  |         |
| 12/12/2013 | Initial period for examining delegated act<br>2 month(s)  |   |         |
| 15/01/2014 | Committee referral announced in Parliament  |   |         |
| 12/03/2014 | Results of vote in Parliament   |  |         |
| 12/03/2014 | Decision by Parliament  | <a href="#">T7-0218/2014</a>  | Summary |
| 12/04/2014 | Initial period for examining delegated act<br>extended at Parliament's request by 2<br>month(s) |   |         |

| Technical information |  |
|-----------------------|--|
|                       |  |

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|----------------------------|--|
| Procedure reference        | 2013/2997(DEA)                               |
| Procedure type             | DEA - Delegated acts procedure               |
| Procedure subtype          | Examination of delegated act                 |
| Legal basis                | Rules of Procedure EP 111-p3                 |
| Stage reached in procedure | Procedure completed - delegated act rejected |
| Committee dossier          | ENVI/7/14829                                 |

### Documentation gateway

|   |                              |            |    |         |
|---|------------------------------|------------|----|---------|
| Non-legislative basic document                  | <a href="#">C(2013)08887</a> | 12/12/2013 | EC |         |
| Motion for a resolution objecting delegated act | <a href="#">B7-0185/2014</a> | 18/02/2014 | EP |         |
| Text adopted by Parliament, single reading      | <a href="#">T7-0218/2014</a> | 12/03/2014 | EP | Summary |
| Commission response to text adopted in plenary  | <a href="#">SP(2014)457</a>  | 11/08/2014 | EC |         |

## Provision of food information to consumers as regards the definition of 'engineered nanomaterials'

The European Parliament adopted by 402 votes to 258 with 14 abstentions, a resolution objecting to the Commission delegated regulation of 12 December 2012 amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers as regards the definition of engineered nanomaterials.

To recall, [Regulation \(EU\) No 1169/2011](#) on Food Information to Consumers provided that all food ingredients present in the form of engineered nanomaterials must be clearly indicated in the list of food ingredients to ensure consumer information. The Regulation, accordingly, provided for a definition of engineered nanomaterials.

The Commission delegated regulation excluded all food additives included in the Union lists from the new definition of engineered nanomaterial and instead suggested that the need for specific nano-related labelling requirements relating to those additives should be addressed in the context of the re-evaluation programme in accordance with Commission [Regulation \(EU\) No 257/2010](#), by amending, if necessary, the conditions of use in Annex II to Regulation (EC) No 1333/2008 on food additives.

Noting that it was precisely food additives that may be present as nanomaterials in food, Parliament considered that this blanket exemption annulled the labelling provisions for all food additives that were engineered nanomaterials.

The Commission had justified this blanket exemption for all existing food additives by stating that indicating such food additives in the list of ingredients followed by the word nano in brackets may confuse the consumers as it may suggest that those additives are new while in reality they have been used in foods in that form for decades.

Parliament rejected this justification as erroneous and irrelevant, as the Regulation on food information did not provide for a distinction between existing and new nanomaterials, but explicitly required labelling of all ingredients present in the form of engineered nanomaterials.

The resolution stressed that the Commissions stated intention to address the need for specific nano-related labelling requirements concerning food additives on the Union lists in the context of the re-evaluation programme was inappropriate as it confuses safety issues with general labelling requirements for consumer information purposes. Moreover, this also suggested that the Commission questions the very need for specific nano-labelling

On the basis of these considerations, Parliament felt that that the Commission delegated regulation was not compatible with the aim and content of Regulation (EU) No 1169/2011 and that it exceeded the delegated powers conferred on the Commission under the latter. It called on the Commission to submit a new delegated act which takes into account the position of Parliament.