







Procedure file

Basic information		
DEA - Delegated acts procedure	2024/2691(DEA)	Procedure completed - delegated act enters into force
Definition of ?engineered nanomaterials?		
Subject		
3.10.10 Foodstuffs, foodstuffs legislation		
3.40.13 Food industry		
4.60.02 Consumer information, advertising, labelling		
4.60.04.04 Food safety		
6.20.02 Export/import control, trade defence, trade barriers		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Environment, Public Health and Food Safety		22/03/2024
		 PIETIKÄINEN Sirpa	22/03/2024
		 SCHALDEMOSE Christel	22/03/2024
		 RIES Frédérique	22/03/2024
		 PAULUS Jutta	
		 HAZEKAMP Anja	

Key events			
14/03/2024	Non-legislative basic document published	C(2024)01612	
14/03/2024	Initial period for examining delegated act 2 month(s)		
10/04/2024	Committee referral announced in Parliament		
24/04/2024	Decision by Parliament	T9-0316/2024	Summary

Technical information	
Procedure reference	2024/2691(DEA)
Procedure type	DEA - Delegated acts procedure
Procedure subtype	Examination of delegated act
Legal basis	Rules of Procedure EP 0114-p03
Stage reached in procedure	Procedure completed - delegated act enters into force
Committee dossier	ENVI/9/15081

Documentation gateway					
Non-legislative basic document		C(2024)01612	14/03/2024	EC	
Motion for a resolution objecting delegated act		B9-0225/2024	18/04/2024	EP	
Text adopted by Parliament, single reading		T9-0316/2024	24/04/2024	EP	Summary

Definition of ?engineered nanomaterials?

The European Parliament decided by 388 votes to 188, with 47 abstentions, to object to the Commission delegated regulation amending Regulation (EU) 2015/2283 of the European Parliament and of the Council on novel foods as regards the definition of engineered nanomaterials.

Definition

Taking into account the possibility of food consisting of engineered nanomaterials being a novel food, Regulation (EU) 2015/2283 provides for a definition of engineered nanomaterial. Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers refers to the definition of engineered nanomaterials, in order to inform consumers of the presence of engineered nanomaterials in food.

Regulation (EU) 2015/2283 empowers the Commission to adjust and adapt the definition of engineered nanomaterials referred to therein to technical and scientific progress or to definitions agreed at international level, by means of delegated acts, for the purposes of achieving the objectives of that Regulation.

Contradictions with recommendations and new scientific advancements

The Commission delegated regulation aims to address interpretation issues stemming from the current definition by introducing objective elements to determine whether a nanomaterial is engineered or not, such as through replacing intentionally produced [material] with manufactured.

The Commission delegated regulation precludes particles that are not in a solid state, such as micelles, liposomes, or nanoscale droplets in emulsion, and ingredients containing less than 50 % of particles less than 100 nm in size from being considered as nanomaterials in food.

The proposed default threshold value of 50 % or more particles at the nanoscale is arbitrary and less protective than the interpretation that has been given by some Member States, for example France of the definition in Regulation (EU) 2015/2283. That Regulation does not consider a size distribution threshold value for particles below 100 nm.

The proposed definition would potentially exclude many nano-substances from the scope of Regulation (EU) No 1169/2011, which would thus not be subject to the [nano] labelling obligation.

The European Food Safety Authority recommended that in view of the current uncertainties over safety, a lower nanoparticle number threshold, e.g. 10 %, should be considered for food related applications instead of the currently proposed 50 % in the Recommendation.

However, according to the resolution, the nanoparticle number threshold of 50 % included in the horizontal [nano] definition is not based on sound scientific arguments, and recommends setting a lower value for that threshold.

On this basis, Parliament objects to the Commission delegated regulation regretting that the proposed threshold of 50 % does not take into account technical and scientific progress.