Regulatory aspects of nanomaterials

2008/2208(INI) - 31/03/2009

The Committee on the Environment, Public Health and Food Safety adopted the own-initiative report drawn up by Carl SCHLYTER (Greens/EFA, SE) on regulatory aspects of nanomaterials in response to the Commission Communication on the subject. It points out that despite the introduction of a specific European strategy on nanotechnologies and the subsequent allocation of approximately EUR 3 500 000 000 for research in nanosciences for the Seventh Framework Programme, the EU is lagging behind its current main competitors – the USA, Japan and South Korea – who account for over half of the investment and two-thirds of the patents filed worldwide. On the other hand, nanomaterials potentially present significant new risks due to their minute size, such as increased reactivity and mobility, possibly leading to increased toxicity in combination with unrestricted access to the human body. Furthermore, the current discussion about nanomaterials is characterised by a significant lack of knowledge and information, leading to disagreement and political struggles, starting at the level of definitions.

Members are convinced that the use of nanomaterials should respond to the real needs of citizens and that their benefits can only be realised in a safe and responsible manner within a clear regulatory and policy framework that explicitly addresses existing and expected applications of nanomaterials as well as the very nature of potential health, environmental and safety problems over their life cycle. They deplore the absence of a proper evaluation of the de facto application of the general provisions of Community law in the light of the actual nature of nanomaterials.

The committee states that it does not agree, in the absence of any nano-specific provisions in Community law, with the Commission's conclusion that current legislation covers in principle the relevant risks relating to nanomaterials, when due to the lack of appropriate data and methods to assess the risks relating to nanomaterials, it is effectively unable to address their risks. As long as current legislation does not contain any nano-specific provisions, and as long as data and methods to adequately assess the risks of nanomaterials are missing, better implementation of current law alone cannot bring about the necessary level of protection.

The report further considers that the concept of the "safe, responsible and integrated approach" to nanotechnologies advocated by the EU is jeopardised by the lack of information on the use of nanomaterials that are already on the market, particularly in sensitive applications with direct exposure of consumers.

Members call on the Commission to review all relevant legislation within 2 years to implement the principle "no data, no market" for all applications of nanomaterials in products with potential health, environmental or safety impacts over their life cycle, and to ensure that legislative provisions and instruments of implementation reflect the particular features of nanomaterials to which workers, consumers and/or the environment may be exposed. The committee also calls, inter alia, for the application of a "duty of care" for manufacturers that wish to place nanomaterials onto the market, and for certain specified amendments in the following sectors: REACH, waste legislation, environmental quality standards in air and water legislation, worker protection legislation, and consumer legislation.