Definition of ‘engineered nanomaterials’

2024/2691(DEA) - 24/04/2024 - Text adopted by Parliament, single reading

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.