Basic information

2024/2691(DEA) DEA - Delegated acts procedure	Procedure completed - delegated act rejected
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
ENVI Environment, Climate and Food Safety	PIETIKÄINEN Sirpa (EPP)	22/03/2024
	SCHALDEMOSE Christel (S&D)	22/03/2024
	RIES Frédérique (Renew)	22/03/2024
	PAULUS Jutta (Greens/EFA)	22/03/2024
	HAZEKAMP Anja (The Left)	22/03/2024

Key events

Date	Event	Reference	Summary
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 rejected
Committee dossier	ENVI/9/15081

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Motion for a resolution objecting delegated act		B9-0225/2024	18/04/2024	
Text adopted by Parliament, single reading		T9-0316/2024	24/04/2024	Summary

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	C(2024)01612	14/03/2024	
Commission response to text adopted in plenary	SP(2024)399	29/08/2024	

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.