



## Expert Group on Regulation (EU) No 1169/2011 on the provision of food information to consumers

### Short minutes of the meeting held on 23 June 2014 in Brussels

#### **Topic: Preparation of a revised Commission Delegated Regulation on the adaptation of the definition of 'engineered nanomaterials' laid down in Regulation (EU) No 1169/2011 on the provision of food information to consumers**

The Commission (DG SANCO, DG ENV and the Joint Research Centre), Norway and representatives from all the EU Member States were present with the exception of BG, MT, PL, RO.

#### **Background:**

- Regulation (EU) No 1169/2011 on the provision of food information to consumers ('Food Information Regulation') requires that, as from 13 December 2014, all ingredients present in the form of "engineered nanomaterials" be clearly indicated in the list of ingredients followed by the word "nano" in brackets. To this end, it provides for a definition of "engineered nanomaterials". It empowers the Commission, by means of delegated acts, to adjust and adapt this definition to technical and scientific progress or to definitions agreed at international level.
- On 12 December 2013, the Commission adopted a Commission Delegated Regulation amending the definition of "engineered nanomaterials" laid down in the Food Information Regulation in order to adapt it to the Commission Recommendation 2011/696/EU on the definition of nanomaterial. The main points of the adapted definition of 'engineered nanomaterials' were as follows:
  - Coverage of only 'intentionally manufactured' materials;
  - Inclusion of a definition of 'intentionally manufactured' materials;
  - Setting the number size distribution threshold for the definition at 50% with the inclusion of a recital indicating that the threshold should be revisited in the future in order to be lowered in light of technological developments concerning detection and quantification methods and where warranted by concerns for health and safety;
  - Exclusion of the so-called 'old' food additives from the definition of 'engineered nanomaterials'.
- On 12 March 2014, the European Parliament adopted a Resolution objecting to the Delegated Regulation considering that the Commission, by excluding certain food additives from the scope of the definition, exceeded its delegated powers. It also called the Commission to adopt a new Delegated Regulation taking into account its position, as outlined in the Resolution.

#### **Meeting:**

The objective of the meeting was to discuss with the national experts a revised draft Delegated Regulation, prepared by the Commission, which takes into account the position of the European Parliament. More specifically, the revised draft maintained all previous elements, without the exemption for the so-called 'old' food additives. In addition, it provides for a transitional period.

Overall, the national experts welcome the revised draft and considered it a good proposal. It was however highlighted that the proposed definition still raised a number of questions that would possibly need to be clarified subsequently in the context of a guidance. The discussion was focused



on the following specific issues: transitional measures, and the interaction with novel foods/cosmetics/review of Commission recommendation of the definition of 'nanomaterial'.

Next steps:

The Commission informed the Expert Group that it intends to discuss the draft Commission Delegated Regulation with stakeholders in the context of a specific group under the Advisory Group on the Food Chain and Animal and Plant Health on 4 July 2014. It will also check with stakeholders the need for a transitional period. The Commission will keep the national experts informed of the outcome of the discussions and send a revised version of the draft, if necessary, in the course of July 2014.