



## **4<sup>th</sup> Expert Group on Regulation (EU) No 1169/2011 on the provision of food information to consumers**

**Short minutes of the meeting held on May 24<sup>th</sup> 2013 in Brussels**

**Topic: Preparation of a 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 and the Joint Research Centre) and representatives from all the EU member States were present with the exception of BG, CY, CZ, MT, PL and PT. Croatia, candidate country at the time, was also absent.

### **Background:**

This was the 4<sup>th</sup> meeting of the Expert Group on the provision of Food information to consumers and the 4<sup>th</sup> time that the adaptation of the 'engineered nanomaterials' definition was discussed.

### **Meeting:**

Having already met in three previous occasions and having also met with Stakeholders in the context of the Working Group meeting under the Advisory Group on the Food Chain, Animal and Plant Health on the 22<sup>nd</sup> of May, the goal of this meeting was to have a final discussion on the content of the delegated act. The Commission outlined the main elements to be included therein:

- Coverage of newly authorised food additives only (i.e. exclusion of food additives **already** authorised prior to the establishment of the Union list referred to in Regulation (EC) No 1333/2008, e.g. silicon dioxide);
- Coverage of fullerenes, graphene flakes and single wall carbon nanotubes, as outlined in the Commission Recommendation on the definition of 'nanomaterial', although there was no application to food to that date.
- The threshold value in the particle number based size distribution was set at 50%; however, this threshold should be lowered in the future, taking into account new developments in analytical methodology as well as safety concerns.
- The concept of 'engineered nanomaterials' was limited to 'intentionally manufactured' only. In this respect, it was proposed to introduce a definition of 'intentionally manufactured' linking the intention to manufacture material in the nano size [or] / [so as] to fulfil/perform a specific function or purpose (ISO standard ISO/TS 80004:1:2010).

DG SANCO also presented a brief account of the consultation of the stakeholders in the context of a Working Group under the **Advisory Group on the Food Chain and Plant and Animal Health, which took place in Brussels on 22 May 2013.**

In brief this consultation indicated:

- a. Overall support of the latest working document;
- b. Support for intentionally manufactured. In that respect, some stakeholders expressed support for the formulation "so as";
- c. Some stakeholders called for a link with novel function/ novel foods cut-off date/ exclusion of conventional processes;



- d. Call for complementary guidance especially as regards the interpretation on 'solid particles', if possible, at the same time when the delegated act is published.

DG SANCO finally addressed a number of questions that were raised by some Member States on the **reference to 'particles'** where there was overall support by the MSs to delete the word 'solid' from the proposed definition and align it to the Commission Recommendation.

**Regarding the coverage of new food additives only**, the discussion continued on the basis of the document and recommendations put forward by some MSs during the previous meetings. The conclusion was that a majority of MSs were in favour of excluding old additives. The Commission also indicated that this point would also be discussed in the food additive WG meeting to be held on 7 June 2013.

**Regarding the number size distribution**, the majority of MSs could accept setting the threshold to 50% as long as the text reflects the prospect of reconsidering the threshold in the future in light of new detection methods.

**Regarding the definition of 'intentionally manufactured'** given the lack of clear preferences, the Commission indicated that it plans to send a question in the course of the weeks following the meeting on this issue to all members of the Working Group with a clear deadline within which the MSs experts must declare their preferences. This **written consultation was concluded on June 12<sup>th</sup> 2013**.