



FEDERATION OF EUROPEAN SPECIALTY FOOD INGREDIENTS INDUSTRIES

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“Engineered nanomaterials”: why it is important to reject the Resolution objecting to the proposed Commission Delegated Regulation amending Regulation (EU) 1169/2011 on the provision of food information to consumers

The proposed Delegated Regulation is an important technical amendment of the Food Information Regulation which aims to allow consumers to make informed choices and to make safe use of food, while at the same time ensure the free movement of legally produced and marketed food. As the core legislation, Regulation EU 1169/2011, has not properly defined the scope of information dedicated to engineered nanomaterials in the list of ingredients, the proposed Delegated Regulation has the objective to provide clear, understandable, updated, science-based and enforceable rules:

1. The proposed Delegated Regulation aims to adjust and adapt the definition of “engineered nanomaterials (ENM)” to technical and scientific progress¹.
 - The definition of ENM in food has to be aligned with other sectors in order to ensure full consistency with the EU legal framework on nanomaterials.
 - The threshold of 50% (based on particle number) is a threshold for labelling purpose. This threshold respects analytical challenges to enforce the rules by national authorities. As such, the 50% threshold contributes to reliable and accurate implementation of the legislation at national level.
 - The possibility of further amendment of the definition including the threshold level based on scientific and technological developments is already foreseen in Regulation EU 1169/2011.

2. The proposed Delegated Regulation aims to define a meaningful scope of products in order to meet legislators’ intention, as expressed in the food information regulation, and to avoid double regulation.
 - The definition of nanomaterials should be limited to engineered nanomaterials designed for a specific purpose or function and exclude natural and incidentally obtained nanomaterials.
 - The nano-status of additives is already regulated: indeed, fully harmonised European rules guarantee that all food additives on the EU market underwent a rigorous safety assessment prior to their authorisation. Furthermore, a re-evaluation programme for all approved food additives is currently conducted by EFSA, which covers nano-related issues. This provides scientifically based judgement by EFSA about the nano-status of food additives.
 - Re-evaluation of particulate materials which are often discussed in this context, e.g. titanium dioxide (E 171), iron oxides (E 172), silver (E 174), gold (E 175) or silicon dioxide (E 551) is foreseen in the near future (by 31.12.2015 or 31.12.2016 respectively).

¹ Commission Recommendation 2011/696/EU on the definition of nanomaterial, in compliance with Article 18(5) of regulation (EU) 1169/2011.

- Consequently, nano-related provisions of approved food additives should be based on EFSA's assessment in the course of the re-evaluation programme of the food additives.

As a consequence, if the Delegated Regulation is not adopted, a huge number of foods and food ingredients produced for years by conventional food technology methods will be potentially labelled as from 13 December 2014. This sudden change would occur because the proposed Delegated Regulation provides important additional technical clarifications needed to implement nano labelling provisions foreseen by the Food Information Regulation. To quote but a few foods potentially in scope:

- Emulsified foods: sauce hollandaise, mayonnaise, vinaigrette, colours, vitamin preparations, cream;
- Milled foods: dietary fibers, semolina, bran, wheat germ, coffee, herbs & spices, tea, herbal infusions, fruit puree, tomato paste;
- Homogenised foods: milk, fruit juices, sauces, soy protein based drinks, dairy-based drinks;
- Spray-dried foods: powdered vegetable proteins, powdered dairy proteins, powdered additives, powdered flavours, powdered enzymes, powdered yeasts, powdered vitamins, powdered soups, powdered sauces, powdered coffee, milk powder, powdered fruit drinks.

Such a scenario undermines consumer trust: chances are that nano-labelling is only understood by consumers if a product provides a distinctive novel beneficial effect. For traditionally produced foods or food ingredients there is a high risk that a nano-labelling is perceived by consumers as a warning labelling.

Thus such labelling shall be reserved to new substances deliberately produced at the nano-scale to perform / fulfil a specific function or purpose. This is indeed what the Delegated Regulation proposes in an objective of proportionality and in compliance with the original intention of the legislators. This is why the Resolution to oppose the Delegated Regulation should be rejected.

The ELC represents a united voice for the specialty food ingredients industry on scientific, technical and regulatory issues relating to food products in Europe. It is our aim to ensure that all stakeholders - from manufacturers and retailers to regulatory authorities and consumers - are correctly informed of the use, safety and benefits of specialty food ingredients. In total, more than 200 international and national food ingredients companies are currently involved in the ELC's activities through direct membership or an association. 3-8% of EU specialty food ingredients manufacturers' turnover is dedicated to research and development.

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