

## **LABELLING OF NANOMATERIALS IN FOOD: THE REGULATION (EU) No 1169/2011**

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On 25 October 2011, the European Parliament and the Council adopted the Regulation (EU) No 1169/2011 on the provision of Food Information to Consumers (FIC Regulation) (1).

The FIC Regulation modifies existing food labelling provisions in the European Union 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. It entered into force on 12 December 2011. It shall apply from 13 December 2014, with the exception of the provisions concerning the nutrition declaration which shall apply from 13 December 2016.

In order to inform consumers of the presence of engineered nanomaterials in food, Article 18(3) of Regulation (EU) No 1169/2011 provides that all ingredients present in the form of engineered nanomaterials must be clearly indicated in the list of ingredients and the names of such ingredients must be followed by the word “nano” in brackets. In addition, it provides a definition of engineered nanomaterials, which may be adjusted and adapted 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 the Regulation.

On 18 October 2011, the Commission adopted Recommendation 2011/696/EU on the definition of nanomaterial (2). According to the Commission Communication to the European Parliament, the Council and the European Economic and Social Committee on the Second Regulatory Review on Nanomaterials, the Commission intends to use the definition of ‘nanomaterial’ set out in the Commission Recommendation 2011/696/EU in EU legislation and instruments of implementation, where appropriate. Where other definitions are used in EU legislation, provisions will be adapted in order to ensure a consistent approach, although sector specific solutions may remain necessary.

On the basis of Article 18(5) of Regulation (EU) No 1169/2011, for the purposes of achieving the objectives of the Regulation, the Commission shall, by means of delegated acts, adjust and adapt the definition of engineered nanomaterials to technical and scientific progress or to definitions agreed at international level. The Commission thus decided to adapt the definition of ‘engineered nanomaterials’ laid down in Article 2(2)(t) of Regulation (EU) No 1169/2011 to the Commission Recommendation 2011/696/EU, taking into account the necessary sector specific considerations, by a Delegated Regulation.

The new definition has been discussed within the Working Group with experts from Member States set up by the Commission’s Health and Consumer Directorate General and the draft delegated act has now been notified to the World Trade Organization (WTO) under the Technical to Barriers Agreement (TBT notification).

Table 1 reports the Timeline for the enforcement of Regulation (EU) No 1169/2011 on labelling of engineered nanomaterials in food.

**Table 1. Timeline for the enforcement of Regulation (EU) No 1169/2011 on labelling of engineered nanomaterials in food**

Event	Timing
Preparation of a draft delegated act (agenda Working Group)	Already done
Consultation with stakeholders	23 May 2013
Notification of draft delegated act to WTO	11 September 2013
Comments of WTO members to the EU	until 10 November 2013
Adoption of the delegated act by the Commission. Evaluation by the European Parliament and the Council, which may exercise their right of objection	to be defined
Right of scrutiny of EP/Council	2+2 months following adoption
Publication in the Official Journal (if no objections)	March 2014 at the latest
Food Business Operators have time to adapt the labelling	until 13 December 2014

## References

1. European Parliament and Council. Regulation (EC) No 1169/2011 of 25 October 2011 on the provision of food information to consumers. *Official Journal of European Union* L 304/18, 22/11/2011.
2. European Commission. Commission Recommendation of 18 October 2011 on the definition of nanomaterial (2011/696/EU). *Official Journal of the European Union* L 275/38, 20/10/2011.