



26 November 2014

(14-6895)

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Committee on Technical Barriers to Trade

Original: English

## NOTIFICATION

### *Revision*

The following notification is being circulated in accordance with Article 10.6.

<b>1. Notifying Member:</b> <u>EUROPEAN UNION</u> <b>If applicable, name of local government involved (Articles 3.2 and 7.2):</b>
<b>2. Agency responsible:</b> European Commission <b>Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:</b>  European Commission, EU-TBT Enquiry Point, Fax: +(32) 2 299 80 43, E-mail: <a href="mailto:eu-tbt@ec.europa.eu">eu-tbt@ec.europa.eu</a> Website: <a href="http://ec.europa.eu/enterprise/tbt/">http://ec.europa.eu/enterprise/tbt/</a>
<b>3. Notified under Article 2.9.2 [ X ], 2.10.1 [ ], 5.6.2 [ ], 5.7.1 [ ], other:</b>
<b>4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):</b> Foods with ingredients present in the form of 'engineered nanomaterials'.
<b>5. Title, number of pages and language(s) of the notified document:</b> Draft Commission Delegated Regulation amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers as regards the definition of 'engineered nanomaterials' (6 pages, in English).
<b>6. Description of content:</b> Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers establishes the general principles, requirements and responsibilities governing food information, and in particular food labelling.  In order to inform consumers of the presence of engineered nanomaterials in food, 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.  On 12 December 2013, the Commission adopted a Delegated Regulation amending Regulation (EU) No 1169/2011 as regards the definition of 'engineered nanomaterials' (notified under reference G/TBT/N/EU/144). The proposed definition, amongst others,

<p>excluded food additives set out in the European Union lists referred to in Article 4 of Regulation (EC) No 1333/2008 of the European Parliament and of the Council by Commission Regulations (EU) No 1129/2011 and (EU) No 1130/2011.</p> <p>On 12 March 2014, the European Parliament objected to the Commission delegated Regulation, by means of a Resolution, as it excluded certain food additives from the definition of 'engineered nanomaterials'.</p> <p>The notified draft Delegated Regulation adapts the definition of 'engineered nanomaterials' laid down in Regulation (EU) No 1169/2011 to the Commission Recommendation 2011/696/EU, taking into account the position of the European Parliament. It differs from the draft Delegated Regulation notified under G/TBT/N/EU/144 in that the exemption of certain food additives from the scope of the definition of engineered nanomaterials has been deleted. Also, recitals (6) and (8) have been revised slightly for purposes of clarity.</p>
<p><b>7. Objective and rationale, including the nature of urgent problems where applicable:</b> Consumer information, Labelling</p>
<p><b>8. Relevant documents:</b> Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers</p> <p><a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:304:0018:0063:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:304:0018:0063:EN:PDF</a></p> <p>Commission Recommendation 2011/696/EU of 18 October 2011 on the definition of nanomaterial</p> <p><a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:275:0038:0040:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:275:0038:0040:EN:PDF</a></p> <p>European Parliament resolution of 12 March 2014 on the Commission delegated regulation of 12 December 2013 amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers as regards the definition of 'engineered nanomaterials' (C(2013)08887 - 2013/2997(DEA))</p> <p><a href="http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2014-0218+0+DOC+XML+V0//EN">http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2014-0218+0+DOC+XML+V0//EN</a></p>
<p><b>9. Proposed date of adoption:</b> 1st half of February 2015</p> <p><b>Proposed date of entry into force:</b> 20 days from publication in the Official Journal of the EU (publication to take place 2 to 4 months after adoption)</p>
<p><b>10. Final date for comments:</b> 60 days from notification</p>
<p><b>11. Texts available from: National enquiry point [ ] or address, telephone or fax numbers and email and website addresses, if available, of other body:</b></p> <p><a href="https://members.wto.org/crnattachments/2014/TBT/EEC/14_5251_00_e.pdf">https://members.wto.org/crnattachments/2014/TBT/EEC/14_5251_00_e.pdf</a></p>