

Brussel 10 Jan. 2024

**SAFE's contribution to the Commission's public consultation on the revision of the definition of engineered nanomaterial in food.**

SAFE Food Advocacy Europe, the European Consumer Organisation specialised in the food sector, welcomes the opportunity to provide feedback on the draft Delegated Act updating the definition of 'engineered nanomaterial', set out in the Novel Food Regulation (EU) 2015/2283. We recommend that the definition of 'engineered nanomaterial' should be updated to reflect the latest scientific understanding and to ensure that all relevant products are covered by the regulation. The purpose of the new delegated act is to update the definition of nanofood to ensure greater regulatory consistency and legal certainty in line with the horizontal definition set out in the Commission Recommendation 2022/C 229/01.

It is important to remember that this is only a recommendation. Deviation from it is possible, if appropriately justified for safety or consumers protection reasons that are not currently foreseeable.

The current definition of nanofood, combined with the definitions in the proposed delegated act, creates a legislative flaw. Specifically, there is no numerical threshold listed for the number of nanometer-sized particles for a food or ingredient to be considered as nanomaterial. The legislative proposal fails to adequately protect the health of European consumers.

Additionally, SAFE highlights another issue of the proposal.

The Commission Recommendation 2022/C 229/01 sets a minimum limit of 50% for the presence of 'engineered nanomaterial' (in aggregate or agglomerated form) to be reported on the label for consumers. However, Anses, the French Food Safety Agency, reported in 2022 that this increases the risk of exposure to such particles. The French agency recommends setting a value lower than 50% in that scientific opinion. There are no solid scientific arguments to justify a value higher than this.

Therefore, SAFE recommends a lower value of 10% to inform consumers about the presence of additives. For example, iron oxide (E172) is a food colouring permitted in many foods, including dairy products, baked goods, and some breakfast cereals, which may contain nanoparticles below the 50% threshold proposed in the delegated act.

The proposed legislative act may pose barriers to international trade with the EU, which could negatively impact consumers. One specific concern is that it excludes objects with surface or volume nanostructure from the definition of nanomaterials, creating a discrepancy with the International Organization for Standardization (ISO) definition.

SAFE Food Advocacy Europe is deeply concerned that the proposed delegated act will compromise food safety, consumers protection and transparency. We strongly urge the Commission to reconsider the text in light of these comments.

We appreciate very much your time and attention,

Yours sincerely,

**Luigi Tozzi**

Deputy Manager



## **About SAFE**

SAFE – Safe Food Advocacy Europe was created with the aim of ensuring that consumer’s health and concerns remain at the core of the EU’s food legislation. SAFE is currently the only Brussels-based NGO specialised in the protection and representation of EU consumers in the food sector. SAFE strives to ensure safer food standards for consumers monitoring the EU food legislation process and cooperating with EU stakeholders to draft comprehensive food regulations. SAFE notably supports the development of policies and awareness-raising actions which jointly address health, environment, food safety and sustainability, all-the-while being involved in several EU-funded projects aimed at reducing the environmental impact of the food sector, increasing sustainability and promoting healthier food environments for consumers.