

**Eurocolour feedback to the public consultation on the
Definition of Nanomaterial under the Novel Food Regulation (EU) 2015/2283**

Eurocolour, the umbrella association for manufacturers of pigments, dyes, fillers, frits, ceramic and glass colours, and ceramic glazes in Europe, thanks the European Commission for the opportunity to comment on the draft Delegated Regulation amending Regulation (EU) 2015/2283 as regards the definition of “engineered nanomaterials”.

We welcome the harmonisation with the Commission’s Recommendation of 10 June 2022 on the definition of nanomaterial and the clarification that all manufactured materials, regardless of how and from which starting materials they are produced, would fall under the definition if the particle size distribution contains 50% or more particles with less than 100 nm.

As stated in Article 2 of Regulation (EU) 2015/2283, the Novel Food Regulation does not apply to food additives covered by Regulation (EC) No 1333/2008. Therefore, we assume that the definition of nanomaterials is related to novel food. The Regulation (EU) No 1169/2011 on the provision of food information to consumers refers to the definition of engineered nanomaterial in the Novel Food Regulation. The cross-reference only to sub-paragraph (f) of Article 3(2) of Regulation (EU) 2015/2283 removes the definition from the original "purposes of this Regulation" under which it is listed in this article. We would like to recall that the definition of a nanomaterial based on the size was explicitly established without any reference to a potential hazard or change in function or properties.

The Regulation (EU) No 1169/2011 on the provision of food information to consumers would require all ingredients and additives falling under the definition of engineered nanomaterial to be labelled with "(nano)", even if they are not covered by the Novel Food Regulation. In practice, this would lead to an avoidance and removal of well-tested and approved additives, although there is no hazard related rationale and need to do so.

This issue is not addressed in the current draft. As long as there is no amendment of the Food Information Regulation in sight, we suggest as a workaround to include in the definition the relevant limitation to the novel properties addressed in the Novel Food Regulation:

“‘Engineered nanomaterial’ means an intentionally manufactured material in the nano-size range to fulfil a new specific purpose or to deliver a new specific function, differentiating it from forms of the same material being on market within the Union before 15 May 1997 and which consists of solid particles that are present [...]”

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Thank you for your consideration of this contribution. We remain at your disposal for further discussion.

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About Eurocolour:

Eurocolour e. V. is the umbrella association for manufacturers of pigments, dyes, fillers, frits, ceramic and glass colours, and ceramic glazes in Europe.

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