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MEPs back tougher rules for nanotechnology

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The European Parliament last week backed a controversial report by Swedish Green MEP Carl Schlyter urging the European Commission to revise its stance on nanomaterials. MEPs said all nanomaterials should be considered as new substances, and that existing legislation does not take into account the risks associated with nanotechnology.

Background

The unique properties and behaviour of nanoscale matter, and its enabling characteristics, mean new technologies could profoundly transform industry and everyday life.

However, concerns have been raised over the ethical, legal and health issues associated with nanotechnologies. The European Commission produced an Action Plan aimed at promoting the safe growth of nanotechnology and, in February 2008, it published a Code of Conduct for responsible research in nanotechnologies.

Several projects are underway to elicit opinion and foster debate on the future of this emerging technology, including FramingNano, which supports stakeholder dialogue on regulation and governance of nanotechnology.

There was considerable disquiet when a draft report by the European Parliament's environment committee, published in January, called on the Commission to implement the principle of 'no data, no market' for all nanomaterials until all legislation is reviewed ([EurActiv 2/2/09](#)).

This would amount to an effective moratorium on nanotechnology, and would lead to the withdrawal of some products.

Environmental and consumer groups welcomed the vote, but industry groups warned that "improper" regulation could stifle one of Europe's growth industries.

The own-initiative report was adopted on April 24 by an overwhelming majority of 391 votes in favour and three against, amid four abstentions. The Commission has yet to formally respond to criticism contained in the non-binding opinion from parliamentarians.

Schlyter said the resolution adopted by the full sitting of the European Parliament was "more than a wake-up call for the Commission and the chemical industry".

He insisted that the EU executive must revise its stance on nanomaterials and revisit all relevant European laws to guarantee the safety of all applications of nanomaterials throughout their lifecycle.

The report also demands that consumer products containing nanomaterials must be labelled 'nano', and that the European Commission must review worker-protection legislation to safeguard employees who handle nanomaterials.

The news comes as the European Commission is launching a public consultation exercise on the risk assessment of nanotechnology. The Commission is inviting online contributions from stakeholders ahead of a public hearing on the issue, scheduled for 10 September.

Positions

Swedish Green MEP Carl Schlyter said the European Commission's 'wait-and-see' attitude to regulating nanomaterials was not acceptable. He called for a complete overhaul of relevant legislation within two years.

"It is neither safe nor responsible to allow such products on the market with almost no information about their use and their safety, and no specific legal provisions to ensure they are not harmful."

"It is particularly irresponsible for the Commission to suggest that general Community legislation covers the risks of nanomaterials and that we mostly only need to improve implementation of current legislation, when Community legislation - due to the absence of nano-specific provisions - is effectively blind to its risks," he said.

Schlyter added that the Commission should implement the 'no data, no market' principle. "We just cannot allow nanomaterials to be put onto the market with no or inadequate safety assessments," he said.

The vote was also welcomed by the **European Environmental Bureau (EEB)**, which called for a nano-labelling system to ensure transparency and traceability. "We are very happy with the results of the vote and want to see some real follow-up," said **Dragomira Raeva**, EEB's nanotechnology policy officer.

"It is particularly important to ensure that a review of all legislation relevant to nanomaterials is completed by the European Commission within two years. This action will guarantee that the right framework is put in place for the safe production and use of these micro-materials before they explode into the marketplace."

REACHforLIFE was less enthused by the report, warning it could hold back the development of an emerging technology. It said 'sound science' should underpin policymaking on nanotechnology. The organisation said nanotechnologies were attracting increased investment, but also "improper and conflicting legislation that could result in stunting a vital and burgeoning area for research in Europe".

European consumer group **BEUC** welcomed the vote, which it said echoed its call for a specific legislative framework on nanomaterials.

"There is a need to adapt the EU legislative framework in a way that ensures the safe use of nanomaterials in consumer products in particular, such as food and cosmetics. The resolution adopted today could pave the way for a safe and sustainable approach to nanomaterials. Let's hope the Commission will listen to the Parliament's wise words," said **Monique Goyens**, BEUC's director-general.

In an interview with EurActiv before the vote, **Dr Gernot Klotz**, executive director of research and innovation at chemicals industry body **CEFIC**, said specific labelling of nanomaterials could lead to "confusion and information overkill".

He also said existing legislation covers nanomaterials well enough. "The current regulatory framework is sufficient to cover the safety of nanomaterials. On this subject, we are in agreement with the European Commission position. However we also recognise that in certain cases, the test methods to implement these regulations may need to be adapted to respond to new robust scientific knowledge. One of the key parts of our Long-range Research Initiative (LRI) programme is to develop our contribution to the OECD's work and try to fill knowledge gaps in the testing and assessment of nanomaterials," Dr Klotz said.

In a statement to EurActiv, the **European Commission** said it will carefully examine the resolution adopted by the Parliament, along with modifications proposed by MEPs to regulations on food and cosmetics.

A spokesperson said that while the Commission considers that risks in relation to nanomaterials are in principle covered by existing regulation, it has explained in its Communication that it will look further into the specific pieces of legislation concerning the protection of health, safety and the environment and propose regulatory change where this is necessary.

"Such a programme of work is already ongoing in relation to REACH. At the same time, the Commission will work on improving the implementation of existing legislation with regard to nanomaterials. This includes the development of instruments that will facilitate the assessment of risks in relation to the use of nanomaterials and to collect the necessary data.

"The results of ongoing research and development and international standardisation work will be important and the Commission will actively update and/or develop respective guidance documents, in particular regarding definitions, testing methods, exposure data, and the adaptation of the existing risk assessment," the Commission said.

In addition, the spokesperson said its main priority is to ensure that only substances and products are placed on the market for which sufficient information is available and for which the safety has been demonstrated in accordance to provisions of the respective legislation.

"Moreover, the Commission considers that it is very important to continue closing the knowledge gap and to take into account the progress of scientific knowledge on potential risks through the Community scientific committees and bodies."

Next Steps

- **19 June:** Deadline for contributions to European Commission's online public consultation.
- **10 Sept.:** Public hearing on risk assessment and nanotechnology.

Links

European Union

- European Commission: [Public consultation on risk assessment of nanotechnology](#) (27 Apr.

2009)

- European Commission: [Introduction to nanotechnology](#)
- European Parliament: [Nanomaterials - MEPs call for more prudence](#) (24 April 2009)
- European Parliament: [MEPs set new rules on novels food](#)

Think tanks & Academia

- [FramingNano project](#)

Business & Industry

- European Environmental Bureau: [MEPs support NGOs call for tighter rules on nanotechnology](#) (31 Mar. 2009)
- CEFIC: [Position on nanomaterials](#)