



**Position Paper:
EU Commission Recommendation on the definition of nanomaterial
for regulatory purposes**

On 18 October 2011 the European Commission published its recommendation on the definition of “nanomaterial” for regulatory purposes. This recommendation describes „nanomaterial” to mean “*... a natural, incidental or manufactured material containing particles, in an unbound state or as an aggregate or as an agglomerate and where, for 50 % or more of the particles in the number size distribution, one or more external dimensions is in the size range 1 nm - 100 nm.*”

The European paint and printing ink industry welcomes the EU Commission aligning its definition with the thresholds of the original ISO standard. The definition expressly does not include articles and nano-structured materials. Non-particulate materials, e.g. proteins or micelles, are also excluded from the definition. Given their extreme closeness to micelles, this exclusion logically extends to dispersion paints too.

Generally, the definition needs to be limited to substances within the meaning of REACH: mixtures (preparations) should not be covered, because this would give nanomaterial status to almost all mixtures – without providing any additional information.

We are critical of the definition which would include all pigments and fillers in their entirety, including those which have been used for many centuries. In forthcoming regulation this is bound to bring excessive rules, because all paints and inks, as well as coated and printed articles would contain nanomaterials in the legal sense. Nano objects added to paints and printing inks are bound in a liquid or in a matrix. Recent scientific studies have proved that these nano objects are not released under conditions of normal use.

In order not to mix up nanomaterials with those regular materials that may contain fraction of nano objects, it is essential to underline that nanomaterials are materials being intentionally engineered to obtain specific functions and characteristics.

The EU Commission Recommendation and relevant explanatory documents use various non-defined terms (e.g. “nano-product”) which might be interpreted in different ways in future legislation. Therefore, clarifications are urgently needed.

These unclear points must not lead to a situation where every paint or printing ink and every coated or printed article – as “nano-product” – requires notification for a general European product inventory. Such a general product inventory would not bring any new findings, it would be much too comprehensive, unmanageable and in breach of WTO rules.

The paint and printing ink industry does not support a general nano-labelling, which would fully undermine the existing philosophy of the European Union to point out dangerous substances and mixtures. Nanomaterials are not dangerous per se, and labelling all mixtures and articles containing nanomaterials would mean stigmatization – undoing the chances brought by nanotechnology, inter alia for easing burdens on the environment. It is also worth noting that a general labelling obligation would not benefit consumers in any way, because all paints or printing inks and each coated or printed article are covered by the broad definition.

