



Notification Number: 2011/307/F

## Decree on the annual declaration of nanoparticle substances, laid down in implementation of Article L. 523-4 of the Environmental Code

Date received : 23/06/2011

End of Standstill : 26/09/2011

Issue of comments by : Commission, Germany, United Kingdom, United Kingdom

### Message

Message 002

Communication from the Commission - SG(2011) D/51489

Directive 98/34/EC

Translation of the message 001

Notification: 2011/0307/F

No abre el plazo - Nezahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201101489.EN)

#### 1. Structured Information Line

MSG 002 IND 2011 0307 F EN 23-06-2011 F NOTIF

#### 2. Member State

F

#### 3. Department Responsible

Délégué interministériel aux normes – SQUALPI – Bâtiment Le Bervil - 12, rue Villiot –  
75572 PARIS Cedex 12  
d9834.france@finances.gouv.fr  
tél : 01 53 44 98 24

#### 3. Originating Department

Ministère de l'Écologie, du Développement durable, des Transports et du Logement – Direction générale de la



Prévention des Risques – Service de la Prévention des Nuisances et de la Qualité de l'Environnement  
Grande Arche de la Défense – Paroi Nord  
92055 La Défense Cedex

Téléphone : 01 40 81 87 02  
Télécopie : 01 40 81 20 72  
Messagerie : clarisse.durand@developpement-durable.gouv.fr

#### **4. Notification Number**

2011/0307/F - C00C

#### **5. Title**

Decree on the annual declaration of nanoparticle substances, laid down in implementation of Article L. 523-4 of the Environmental Code

#### **6. Products Concerned**

The Decree concerns the annual declaration of information relating to nanoparticle substances, as single substances or as part of a mixture without being bound, or a material intended to reject such substances that are produced, distributed or imported nationally.

#### **7. Notification Under Another Act**

-

#### **8. Main Content**

In accordance with the Grenelle II Law (see below), the Decree details certain aspects of the declaration, specifically the definitions of certain terms, such as "nanoparticle substance" and "nanoparticle substance contained in a mixture without being bound", the frequency of the declaration (annual) and the minimum threshold for the declaration (100 grams). Provisions are provided for protecting information and safeguarding confidentiality.

Special provisions are provided for research and development without placing on the market (simplified declaration for scientific research and development, systematic data confidentiality for research and development based on the products and processes).

#### **9. Brief Statement of Grounds**

This scheme consists of requesting that economic agents transmit simple data concerning the nanomaterials that they manufacture, import or distribute. This does not consist of a prerequisite for the activities concerned, which can continue without obstacle.

This scheme aims to improve knowledge of nanomaterials and their uses, to monitor the channels of use, to improve knowledge of the market and the volumes sold and to collect available information on toxicological and eco-toxicological properties.

It was implemented following a commitment by the Environment Round Table (Grenelle de l'environnement) relating to the anticipation of risks associated with nanomaterials, particularly through a declaration of the presence of nanoparticles in products available to the general public. This commitment was transposed in Law No 2009-967 of 3 August 2009, known as the Grenelle I Law, then stipulated in Article 185 of Law No 2010-788 of 12 July 2010 on the national commitment to the environment, known as the Grenelle II Law (codified in



Articles L. 523-1 to 5 of the Environmental Code).

This article provides for the implementation of a mandatory declaration scheme for the quantities and uses of nanoparticle substances or nanomaterials that are produced, distributed or imported in France, the conditions for which are to be set down by Decree.

#### **10. Reference Documents - Basic Texts**

Reference texts: - Law No 2009-967 of 3 August 2009 relating to the institution of the Environment Round Table, known as the Grenelle I Law,  
- Law No 2010-788 of 12 July 2010 on the national commitment to the environment, known as the Grenelle II Law,  
can be viewed on Legifrance

#### **11. Invocation of the Emergency Procedure**

No

#### **12. Grounds for the Emergency**

-

#### **13. Confidentiality**

No

#### **14. Fiscal measures**

No

#### **15. Impact assessment**

-

#### **16. TBT and SPS aspects**

TBT aspect

No - The draft is neither a technical regulation nor a conformity assessment

SPS aspect

No - The draft is not a sanitary or phytosanitary measure.

Catherine Day  
Secrétaire général  
Commission européenne

Point de contact Directive 98/34  
Fax: (32-2) 296 76 60  
email: [dir83-189-central@ec.europa.eu](mailto:dir83-189-central@ec.europa.eu)



**EUROPEAN COMMISSION**  
GROWTH DIRECTORATE-GENERAL

**Single Market for goods**  
Prevention of Technical Barriers