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L-0210-045-MV

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**Mr. Carlos CRESPO SABARIS**  
Health Attaché  
Spanish EU Council Presidency  
Boulevard du Régent, 52  
1000 Brussels

CC.  
Ms. Paula Marques  
General Secretariat, Council of the EU

Ms. Helena Ramos Ferrer  
Permanent Representation of Spain

Brussels, 25 February 2010

Dear Sir,

**RE: “Non-prepacked food” - Proposal for a Regulation of the European Parliament and of the Council on the provision of food information to consumers (COM(2008) 40 final)**

As Spain is holding the EU Council Presidency, we thought it was of major importance that you are aware of the concerns which the hospitality industry – an industry so important for Spain as well as for the rest of Europe – is having with the above mentioned proposal.

If the text were to be adopted as it stands, hotels, restaurants, cafés and similar establishments serving “non-prepacked food” would be directly subject to all mandatory labelling requirements provided for by the Regulation. However, the structure and content of the proposal clearly show that it was conceived to apply to prepacked food only.

Complying with these requirements would be simply unworkable for traditional restaurants / pubs / cafés / pizzerias, the vast majority of which employs less than 10 persons. Staying in business will only be possible by cutting on the variety of dishes; using ready-made / pre-labelled food instead of fresh products and “standardising” menus and dishes. Traditional restaurants should not be subject to the same regulatory requirements as major food processing companies. Meals served by restaurants are not standardised products. A one-size-fits-all solution at EU level is certainly not appropriate.

**Even the solution of limiting mandatory information to allergens would be *de facto* unworkable.** The list of allergens (Annex II) is very long, includes some very complex denominations, which make them difficult to identify, as well as ingredients used in most recipes. Therefore, the risk of cross-contamination (i.e. the risk that a dish may accidentally contain traces of allergenic ingredients used for the preparation of other dishes) is unfortunately

unavoidable in restaurants, where chefs have to simultaneously prepare various dishes containing several allergens commonly used (eggs, fish, milk, nuts, etc.).

As a result, contrary to its objective, this Regulation could lead to give consumers the false impression that they can be fully protected from allergens. For this reason, we consider that an EU regulation will not provide the consumers suffering from severe allergies with the appropriate protection. Other solutions have to be sought, for example, in “Guidelines” developed at national/regional level with the collaboration of the catering industry.

Furthermore, the text does not address the extent and conditions of the potential liability of operators serving meals; national legislation will continue to apply.

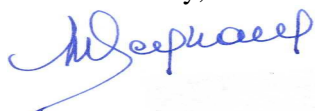
For all these reasons, HOTREC believes that non-prepacked food should be excluded from the scope of the legislation. Rules in relation to non-prepacked food should be left to the Member States, in accordance with the principle of subsidiarity, and not dealt with in an EU regulation. Member States are better placed than the EU Institutions to address the issue of non-prepacked food, as culinary traditions and diets vary greatly from country to country.

We therefore urge the Spanish Presidency to stress, throughout the review of the Commission proposal, the necessity to take into full account the specificities of the hospitality sector, which is not only an important employer but also plays a valuable role in preserving gastronomic traditions, a key aspect of our regional and national cultural heritage.

We thank you in advance for taking our position into consideration.

Do not hesitate to contact us if you need further information.

Yours sincerely,



Marguerite Sequaris  
CEO of HOTREC