

Food

FOOD LABELLING

Proposal of 30 January 2008 for a Regulation of the European Parliament and the Council on the provision of food information to consumers ([COM \(2008\) 40 final](#))

Objective

To modernise and simplify existing EU rules on food labelling, in order to help consumers make informed and healthier purchasing choices.

Relevance for the hospitality industry

Due to its broad scope as well as to the choice of the legal instrument (a regulation), the text would be directly and entirely applicable to “*non-prepacked food*”, which covers also meals served by traditional restaurants, pubs, cafés, etc. Hospitality establishments would have to provide, for each item on their menus, the same information that has to be displayed on the labels of prepacked foods sold in shops.

State of progress

The text is currently being examined by the European Parliament and the Council of the EU. On 16 June 2010, the European Parliament adopted its first reading legislative Resolution on the proposed Regulation. The position of the Parliament has been transmitted to the Council, which has to express its views on the text and the amendments adopted by the Parliament. A second reading is likely to be necessary.

For a detailed overview of the state of progress and related documents you can visit [PreLex](#) (European Commission) or [OEIL](#) (European Parliament).

Content

The proposal consolidates and updates several areas of EU labelling legislation, including the area of general food labelling covered by Directive 2000/13/EC, and that of nutrition labelling covered by Directive 90/496/EEC.

The text applies to all stages of the food chain and covers also non-prepacked food supplied by mass caterers (restaurants, canteens, hospitals, etc.). Chapter IV lays down detailed rules on the mandatory information which has to be provided to the consumers. In particular, Art. 9 and Art. 10 list the information which, subject to some exceptions, shall be mandatory.

Mandatory information has to be made available and easily accessible for all foods (including beverages). However, as regards non-prepacked food, Art. 41 gives Member States the possibility:

- to adopt appropriate rules concerning the way in which the mandatory information required by Art. 9 and Art. 10 has to be presented to the consumers;
- to decide that the mandatory information listed in Art. 9 and Art. 10 (with the exception of information on allergens) do not apply to non-prepacked food.

Thus, mass caterers such as restaurants, canteens, etc. will have, as a minimum, to provide information on allergens (listed in Annex II), but it will be up to the Member States to adopt detailed rules concerning the manner in which this information will have to be provided. Member States would have to adopt national laws to prevent the direct application of the Regulation (Art. 9 and Art. 10) to non-prepacked food.

HOTREC position

HOTREC welcomes as a step in the right direction the amendments adopted by the European Parliament in first reading, since they largely exclude from the scope “non-prepacked food”, including meals prepared by catering services, restaurants, cafés and similar.

This is crucial because compliance with the Regulation, as proposed by the Commission, would not only impose heavy burdens and costs on the sector, but it would simply be unworkable for most hospitality establishments, as the vast majority of them employ less than ten persons. Staying in business would only be possible by cutting on the variety of dishes, using “ready-made” and pre-labelled food instead of fresh products. Restaurants should not be subject to the same regulatory requirements as large food processing companies. A one-size-fits-all solution at EU level is certainly not appropriate because it does not take into account the specificities of the different sectors.

HOTREC is of the opinion that “non-prepacked food” should have been left completely out from the scope of the Regulation (Art. 1). The structure and content of the proposal clearly indicate that it was conceived to apply to prepacked food only. The requirements applicable to prepacked food are in practice unworkable for “non-prepacked food”. Even the solution of limiting mandatory information to allergens, as suggested by the European Parliament, would be *de facto* still not practical. 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 - in limited working areas - various dishes containing several allergens commonly used (eggs, fish, milk, nuts, etc.). As a result, contrary to its objective, this Regulation could end up giving to consumers the false impression that they can be fully protected from allergens.

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.

Official references

European Parliament legislative resolution of 16 June 2010 on the proposal for a Regulation on the provision of food information to consumers ([P7_TA\(2010\)0222](#))

Proposal of 30 January 2008 for a Regulation of the European Parliament and the Council on the provision of food information to consumers ([COM \(2008\) 40 final](#))

Commission Staff Working Document accompanying the proposal for a Regulation of the European Parliament and of the Council on the provision of food information to consumers – Impact Assessment Report on general food labelling issues ([SEC\(2008\) 92](#))

See also:

Directive [2000/13/EC](#) of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs, O.J. L 109 of 06.05.2000

Directive [2003/89/EC](#) of the European Parliament and of the Council of 10 November 2003 amending Directive 2000/13/EC as regards indication of the ingredients present in foodstuffs, O. J. L 308/15 of 25.11.2003

Council Directive [90/496/EEC](#) of 24 September 1990 on nutrition labelling for foodstuffs, O.J. L 276 of 06.10.1990

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