

L-1009-152-MV

By e-mail: mathilda.aberg@foreign.ministry.se

Ms. Mathilda ÅBERG
Counsellor
Swedish Presidency
Square de Meeûs, 30
1000 Brussels

CC.
Ms. Maria Paula MARQUES
General Secretariat, Council of the EU

Brussels, 23 October 2009

Dear Madam,

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

I am writing to you with regard to the above mentioned proposal, currently discussed within the Council Working Party on Foodstuffs.

We would like to reiterate the concerns that HOTREC¹ and its 39 national member associations have about the likely impact of this legislation on hospitality businesses. As you know, if the Commission proposal 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 the regulation would not only impose heavy burdens and costs on the industry but it would simply be unworkable for traditional restaurants and cafés, the vast majority of which employs less than 10 persons.

Even the solution of limiting mandatory labelling to allergens would be *de facto* unworkable, because of the high risk of cross-contamination in establishments with limited working areas. The list of allergens is very long and includes ingredients that are used in most recipes. Therefore, the possibility of cross-contamination is unfortunately unavoidable in restaurants, where chefs have to simultaneously prepare various dishes containing several allergens commonly used (eggs, fish, milk, nuts, etc.). The liability risk for restaurateurs would be unbearable.

¹ HOTREC represents the hotel, restaurant and café industry at European level. It counts 1.6 million businesses, with 92% of them being micro enterprises employing less than 10 people. The micro and small enterprises (having less than 50 employees) in the hospitality industry representing 99% of businesses make up some 62% of value added. The industry provides some 9 million jobs in the EU alone. HOTREC brings together 39 National Associations representing the interest of the industry in 24 different European countries.

Even though we fully understand the objective of the proposal - protecting consumers suffering from severe food allergies - we consider that mandatory allergens labelling in restaurants is not only “disproportionate” but is also unworkable.

For these reasons, we are of the opinion that non-prepacked food should completely be excluded from the scope of the proposal.

HOTREC and its member associations take the view that EU legislation should not regulate the provision of information with regard to meals served in restaurants. As gastronomic traditions and consumer expectations vary greatly from country to country, the decision to adopt **rules concerning non-prepacked food should be left to Member States.**

We therefore urge the Council to continue its thorough review of the Commission proposal, taking into account the specificities of the hospitality industry, which is not only an important employer but also plays a valuable role in preserving cooking traditions, a key aspect of our regional and national cultural heritage.

For your information, we attach a speech on the issue recently delivered by Mr. Kent Nyström, President of HOTREC, at the European Tourism Forum on 9 October 2009. It voices very clearly the concerns of the hospitality entrepreneurs.

Yours sincerely,



Marguerite Sequaris
CEO of HOTREC

ANNEX:

- Speech delivered by the President of HOTREC at the European Tourism Forum in reply to the question: “*What is HOTREC position concerning the EU’s proposed food labelling legislation?*” (Panel 3: The Regulatory Framework in Tourism)