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HOTREC
Hotels, Restaurants & Cafés in Europe

EUROPEAN ASSOCIATION RECOGNISED BY ROYAL DECREE

By courier and e-mail

L-0104-004-DG

Ms. Testori Coggi Paola, Director
Directorate D “Food safety: production and distribution chain”

CC:

Mr. Deboyser Patrick, Head of Unit
Unit “Food law and Biotechnology”

Ms. Gassin Anne-Laure,
Unit “Food law and Biotechnology”

Ms. Ostra Karin,
Unit “Food law and Biotechnology”

Brussels, 14 January 2004

RE: Review of Labelling Directive 90/496/EEC on nutrition labelling

Dear Madam,

HOTREC, Hotels, Restaurants and Cafés in Europe¹, was informed that DG SANCO is preparing a report on the application of Directive 90/496/ECC on nutrition labelling for foodstuffs in view of its revision. We were also informed that DG SANCO is organising a second consultation in relation to this revision and that a meeting will be organised on 27 January to discuss the draft report and a discussion paper.

We understand that the decision is not taken yet on the future scope of the revised Directive. However, we fear that in view of the inclusion of catering in the definition of “retail” in the Regulation 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down the procedures in matters of food safety, the requirements of the revised Directive could also apply to “mass caterers” when they serve meals to “ultimate consumers”.

As we already tried to explain to you, the inclusion of “restaurant service providers” within the “retail” definition is not appropriate. Some Commission officials explained to us that “restaurant services” do not come within the scope of the nutrition labelling legislation as well as under other EU labelling rules because the text(s) would only concern “*foodstuffs to be delivered as such*”. Unfortunately, we have neither clear indication nor security as to what this expression means.

¹ HOTREC is the spokesperson of hotels, restaurants and cafés at European institutional level in all matters affecting the sector. HOTREC projects the voice of hotels, restaurants and cafés in the European Union, an industry that boasts 1,5 million businesses and provides 6 million jobs in the EU alone. HOTREC brings together 34 National Trade and Employer Associations representing the interest of the sector in 20 different European countries.

Therefore, we insist that nutrition labelling remains fully voluntary, at least as far as the catering sector is concerned.

If such labelling would become mandatory, this would cause unbearable difficulties for restaurants. The identification of nutrient contents in each dish offered by a restaurant would need the hiring of a dietician, a cost that 95 % of the enterprises in the restaurant sector, which consist of small enterprises, could simply not afford. The components of a dish and the nutrients of such components vary due to seasonal and other aspects. Many restaurants do not use single sources of supply nor standardised products and the labelling requirements could change on a daily basis. Furthermore nutrition labelling would be unworkable with menu-cards, which would need to be re-written/re-printed every time one of the components or nutrients of a component vary. To change or alter menu-cards in such case would be almost impossible. Beyond the cost element, these requirements would also make menu-cards overly complicated and, therefore, much less attractive for the customers.

Compliance with mandatory nutrition labelling would furthermore drive the restaurant sector to increased standardisation of menus and venues with the consequence of reducing choice for customers.

Most restaurant customers are seeking a leisure experience that goes beyond simply buying food. They want to enjoy a good meal, presented in an attractive way, in an appealing atmosphere as part of an enjoyable social experience. A well-presented menu-card contributes to this experience. Too much information on menus would not appeal to our customers.

We would also add that our members report that there is very little demand from customers for such information. Where a customer requests specific information on the composition of a dish and the nutrients concerned, the staff or the chef are available to explain what foodstuffs are used.

We include for your further information a leaflet entitled "*Restaurants serve meals; retailers sell food*", recently issued by EMRA, FERCO and HOTREC which addresses the issue of labelling in the catering sector.

HOTREC would be very much opposed to the extension of mandatory nutritional information in relation to meals served in restaurants where it would be unnecessary, overly bureaucratic and unhelpful. We would very much appreciate being informed of and being kept involved in the development of any measures relating to labelling of foodstuffs in restaurants, including this specific issue relating to nutrition labelling.

Therefore we would like to take part in the consultation meeting that DG has foreseen with stakeholders on 27 January 2004.

Yours sincerely,

Marguerite Sequaris
Secretary General of HOTREC

Annex:
- Leaflet "*Restaurants serve meals; retailers sell food*"