

D-0121-005-MM

HOTREC's reply to the European Commission's inception impact assessment on the Proposal for a revision of Regulation (EU) No 1169/2011 on the provision of food information to consumers

13 January 2021

HOTREC in a nutshell

HOTREC represents the hotel, restaurant and café industry at European level. It brings together 44 national associations representing the interest in 33 different European countries. In normal circumstances, the sector represents around 2 million businesses, being 99,5% small and medium sized enterprises (90% are micro enterprises, i.e. employing less than 10 people). These businesses make up some 60% of value added and provide almost 12,5 million jobs to the EU alone.

HOTREC's position

HOTREC has carefully read the European Commission inception impact assessment on the proposal for a revision of [Regulation \(EU\) No 1169/2011](#) on the provision of food information to consumers.

HOTREC's main points are the following:

Origin labelling

We understand that the objective of the action is to allow consumers to better identify the origin of food and to facilitate consumers' informed and sustainable food choices. Consumers are increasingly affected by a range of considerations when making food decisions, including the origin of the food and the length of the food supply chain. The initiative aims at providing consumers across the EU the same information on origin.

According to the data collected, the European Commission identifies the following foods as those in which consumers have particular interest to know where they are coming from: milk and milk used as an ingredient, meat used as an ingredient, rabbit and game meat, rice, durum wheat used in pasta, potatoes and tomato used in certain tomato products.

HOTREC advocates strongly for the **continuation of the existing legislative framework where the origin or provenance of the foods in question would not be mandatory information** and it is provided either on a voluntary basis or by means of national law, **at least regarding non-prepacked food**. HOTREC strongly opposes mandatory information **for non-prepacked food**.

As ingredients/supplies regularly change in restaurants (to guarantee the freshness of the products and its diversity), providing information on origin labelling, **especially regarding non-prepacked food**, represents a huge challenge for the hospitality sector (from which 90% are micro-enterprises).

In fact, for products that are not raw, it would be very difficult for the restaurants to indicate to consumers: the list of ingredients, the origin of the product, it would be difficult to determine where and how could

the information be presented. For restaurants that prepare meals, to provide these type of information is not manageable.

Furthermore, many high-quality artisanal food products used in restaurants may come from different countries. Also, it might happen that a small producer (without geographical indication) may provide restaurants with higher quality products than a different producer with geographical indication within the same country.

In addition, regional appellations may bring more quality indication to a product rather than similar food with a country-of-origin information.

Besides, if restaurants use menus that need to be printed, it might be difficult to have the information updated at all times (as menus would need to be reprinted).

Restaurants that indicate the origin of their products, are developing a marketing strategy. The latter will not have any value, if it becomes mandatory labelling.

It is also to note that this kind of legislation does not correspond to the basic principles of the internal market, which specify uniform quality standards.

Overall, the identification of the origin, is a huge bureaucratic burden for small businesses and not controllable by administrations. We **strongly recommend dropping the mandatory nature of this requirement, at least for non-prepacked food**, as this would probably be the end of small owner-managed hospitality businesses.

Instead, we recommend **Member States to work on their respective legislation at national level**.

Front-of-pack nutrition labelling

HOTREC agrees with the objective of establishing harmonised mandatory front-of-pack nutrition labelling for pre-packed food. This will improve consumers' understanding of the nutritional value of foods when purchasing them. It will, nevertheless, probably be challenging to implement, as there are different front of pack labelling systems across Europe.

We would just like to reiterate our **opposition towards mandatory nutrition labelling for non-pre-packed food served in restaurants**. In fact, this information would be impossible to handle by most micro-enterprises because of the already mentioned specificities of the sector. This would certainly oblige most small restaurants (especially those making high quality food and offering gastronomic experiences) to decrease the use of fresh products, standardise their menu offer and have less variety of products. As a consequence, the quality of the restaurant experience would inevitably be decreased and its gastronomic appeal and reputation drastically reduced.

Nutrient profiles

We also acknowledge that [Regulation \(EC\) No 1924/2006](#) on nutrition and health claims made on foods ('Claims Regulation') already required the setting of nutrient profiles, and the recent [evaluation](#) of that Regulation, published alongside the Farm to Fork Strategy, concludes that the setting of nutrient profiles is important and necessary to ensure a high level of consumer protection.

We, therefore, welcome the setting up of nutrient profiles restricting the promotion (via nutrition and health claims) of foods that are high in fats, sugars and/or salt. This will bring transparency to the overall nutritional status of a food and will help consumers adopting healthy choices and healthier food systems.

Note: HOTREC fully agrees that the front-of-pack nutrition labelling and the Nutrient profiles proposals are done hand in hand and presented at the same time. This will avoid burdens to micro-enterprises and SME's who need to comply.

Date marking: “use by” and “best before”

Many consumers do not understand the meaning of date marking: “use by”, which indicates the ultimate food safety date, and “best before”, which refers to the date food retains its optimal quality. According to the European Commission this contributes to 20% of food that European waste annually. For these reasons, HOTREC, fully supports the revision of the Regulation, so that consumers are provided with the best information possible.

By and large, HOTREC believes that EU Farm to Fork strategy should consider the following:

- **New information obligations for non-prepacked food in restaurants are not feasible in many cases, because of the sector's specificities** (regular change of ingredients, strong supply of local fresh products, use of high quality artisanal products, absence of standardised dishes to offer high quality gastronomic experiences);
- **Written food information does not fit with a restaurant environment** and would lead to standardisation of dishes/menus, reduction of the use of fresh and high-quality artisanal ingredients and therefore reduction of the gastronomic excellence of the European restaurant sector;
- As restaurant services are primarily local services that do not sell their products across borders, but only locally, **the Strategy should rather consider assigning to Member States general objectives about information on non-prepacked food served in restaurants through flexible national measures of their choice.** Such flexibility would allow Member States and local operators serving non-prepacked food to identify the best means to ensure that customers make more often more sustainable and healthier choices.

HOTREC position on the Farm to Fork strategy ([link](#)).
