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Fédération européenne de la Restauration Collective Concédée
European Federation of Contract Catering Organisations

**FERCO position
on the EU Commission proposal COM (2008) 40 final
for a regulation of the EU Parliament and of the Council
on the provision of food information to consumers**

FERCO urges the EU Parliament and the Member States to amend the proposal in order to keep the current regime for non pre-packed food served by “mass-caterers” unchanged and avoid the extension of all mandatory information requirements listed in the proposal for a Regulation to non pre-packed food served in catering units.

FERCO, the European Federation of Contract Catering Organisations, wants to draw the attention of the European Parliament and the Member States on the concerns of the Contract Catering sector regarding the EU Commission proposal for a Regulation on the provision of food information to consumers. In particular, FERCO has noted **the extension of food labelling requirements to non pre-packed foods - due to the shift from a Directive to a Regulation - and the introduction of a requirement that information on allergenic ingredients should be available for non pre-packed foods sold through retail and catering outlets.**

FERCO fully agrees that consumers have a right to be appropriately informed as regards the food they eat. Food information should enable consumers to use food in an appropriate way and make choices that suit their individual dietary needs. Food service operators have a long standing expertise in providing consumers with adequate food information. This is why FERCO welcomes the fact that the proposal recognises that labels are not the only way to forward at best food information to consumers and allow it to be made available by means of accompanying material, or any other means including modern technology tools or verbal communication.

However, **should the Commission proposal be adopted as such, it would entail the extension of all mandatory information requirements listed in the Regulation to non pre-packed food served in catering units. This would have a very negative impact on the diet of the 60 million EU citizens catering companies are serving every day.** Therefore, FERCO is pleading for a flexible and practical approach based on existing best practices whilst acknowledging the practical business constraints under which catering companies operate and avoiding impractical and burdensome requirements.

Extension of labelling requirements to non pre-packed food

Current Directive 2000/13 does not impose directly labelling requirements in relation to non pre-packed food sold by “mass caterers” and leaves meals prepared by the food service sector out of the scope of labelling provisions. In accordance with the subsidiarity principle, Directive 2000/13 allows Member States to adopt labelling requirements applicable to non pre-packed food as those products provided by mass caterers are not subject to intercommunity trade. As a matter of fact, food service companies operate locally in the premises of their clients, through a very large number of decentralised locations.

With the introduction of a new Regulation rather than a Directive, the inverse situation applies and the labelling requirements in their entirety would be directly applicable to non pre-packed food. Such an extension of food labelling obligations to non pre-packed food products would cause unbearable difficulties for contract catering companies because:

- **Menus are changing every day.** Companies in the sector are serving on a daily basis, throughout the year, the same captive or semi-captive consumers who have no or limited alternative: employees in far-flung industrial sites, pupils at the school canteen, elder people in a retirement home, patients in hospitals, soldiers in the army, prisoners.
- **The food offer is based on a wide variety of different dishes.** In order to meet the expectations of the end consumers, catering companies are developing a wide range of proposals: low calories meals, healthier options, ethnic food, vegetarian meals. Therefore, contract catering units use a large number of different ingredients and products, coming from different sources of supply.
- **Contract catering is a craft activity.** Meals served are not standardised products. They are prepared according to recipes adapted by each chef, upholding regional or national culinary traditions, following the seasonal market offer while taking into account lifestyle, age, culture, religion.

Extending the mandatory labelling requirements to non pre-packed food would be detrimental to such a wide range of food options and traditional cooking methods. It would encourage the use of standardised products and processed food. Labelling all ingredients used in a contract catering unit and changing labels on a daily basis is clearly impossible.

Operators serving a limited variety of standardised products may be in a position to label their products while Contract Catering units, serving a large variety of dishes changing every day could not afford this.

In some sectors, **the end consumer is not even in a position to read any information** (baby in a crèche, mental hill person...). Consequently, appropriate information should be made available to other persons, and in other ways.

Moreover, the level of information that contract catering companies can provide to their customers depends very much on the information provided to catering companies by their **food suppliers and food manufacturers**. This is particular truth for the presence of allergenic ingredients.

Information on allergenic ingredients

The Contract Catering sector understands that the adoption of specific rules on allergens for non pre-packed food is aiming at ensuring that consumers receive important information related to their health and safety. Nevertheless, FERCO urges the EU Parliament and the Member States to consider the practical issues of such an extension of the information rules to non pre-packed food.

First of all, in view of the length and complexity of Annex II, FERCO fears that such an obligation will impose extremely heavy burdens but would also be impossible to put into practice due as mentioned here above to the **frequently changing recipes and ingredients**. In addition, contract caterers **do not always have access to information on the presence of allergens in the ingredients used**.

Contract caterers are well aware of the role they play in the food chain. This is why they are implementing good practices such as HACCP and quality assurance systems in order to ensure that products meet food safety, quality and legal requirements and to avoid as much as possible cross-contamination. Nevertheless, contract caterers cannot exclude completely the possibility of **cross-contamination** during the production process. This makes it very difficult to identify whether certain allergenic substances are present in the food they provide.

Contract caterers fear that choice/availability will decline if allergens labelling becomes mandatory on non pre-packed foods. This could lead to a reduced variety of dishes, a more standardised food offer and the introduction of more ready made, pre-packed and pre-labelled dishes. This could also result in a systematic and general use of **'may contain' warnings** to indicate possible allergen cross-contamination that at the end could unnecessarily restrict consumer choice and undermine the efficiency of warnings.

FERCO supports a best practice approach rather than a prescriptive labelling approach. What matters is that the system meets the needs of the consumer, is appropriate and works in a practical way for the end consumer, the client organisation and the catering business concerned.

The systematic display of information on allergens for the whole range of different products and dishes offered every day in a catering unit is not feasible. Information on the presence of ingredients causing allergies or food intolerances can only be given on an ad hoc basis, at the request of the consumer.

As a matter of fact, contract caterers have a long standing expertise in dealing with allergic consumers especially in schools and medical care institutions. Best practices have been developed in the sector that could serve as guidance for handling the information on allergens in contract catering units. However, such practices require the **co-operation of both the allergic consumer and the client organisation** and entail an **additional cost which is to be supported either by the end consumer or the client organisation**. For example, in some schools, parents are requested to fill in a form in order to identify pupils suffering from a food allergy or intolerance. Specific individual dishes are elaborated accordingly by dieticians under the control of a medical expert. In other cases, the child brings its own lunch box from home which can eventually be re-heated by the staff of the catering company. In the

healthcare sector, catering companies are providing meals according to the specific individual dietary needs of the patients as identified by the medical staff.

What FERCO would consider as feasible is:

- To place in the dining rooms or canteens a general warning making people aware that food may contain allergens and prompting allergic people to ask the unit staff about the ingredients used in the dishes on the menu.
- To provide customers who suffer from food allergy or intolerances with an information point where they can tell about their specific needs and get recommendations.
- To provide the catering staff with specific training on allergens.

Equal treatment for out-sourced and self-operated food services

Last but not least, article 1.2 of the draft Regulation defines mass caterers as “any establishment (including a vehicle or a fixed or mobile stall), such as restaurants, canteens, schools and hospitals, where, in the course of a business, food is prepared for delivery to the final consumer and is ready for consumption without further preparation”. FERCO wants to make sure that the definition will cover all canteens and food service activities, be it out-sourced or self-operated at the workplace or in organisations like schools and hospitals.

Who are we?

FERCO speaks for 96% of the industry and brings together the 12 national associations representing the interest of the Contract Catering sector.

Contract Catering is a profession affecting the daily lives of 67 million consumers to whom the companies and their 600.000 employees consistently serve healthy and balanced meals. This represents 1 in 4 meals taken outside the home, 6 billion meals served per year and an annual turnover of some €21.4 billion.

Contract Catering is about much more than just processing food. It covers all the services related to food management and involves preparing and serving meals to people working and/or residing in collective organisations, such as companies, administrations, schools/higher education establishments, nurseries, hospitals/clinics, retirement/nursing homes, prisons, military barracks...

What sets Contract Catering apart from traditional or modern restaurants, the food industry or the retail sector?

Contract Catering is a specific activity because of:

- The **written contract** between the client organisation and the catering company. The client organisation, and not the end consumer, determines the nature of the food service to be provided (choice/diversity of daily supply and frequency of each type of food), the general qualitative requirements (type of supplies: fresh or ready-made products), the nutritional requirements, and the information to be

made available to the client and to the end consumers. **Contract Catering is a “B 2 B” and not a “B 2 C” sector.** The Contract Catering operator suggests, the client organisation decides.

- **A service provided on the premises of the client organisation**, which determines how the food service will be delivered. Contract Caterers operate in units and use equipment over which they have no managerial control because they are owned by the client organisation.

How informing the end consumer in the Contract Catering sector?

Any approach should:

- **Be flexible to take account of the specificities of the sector**
It is important that customers can have access to information, if they require it. The label is not the only and best source of consumer information. Leaflets, Help lines, websites, etc. also provide the consumer with a clear understanding of the composition of the meals. The staff or the chef is available to explain what foodstuffs are used in a dish and how the preparation has been done.
- **Be scientifically sounded**
FERCO recommends that any regulations affecting the food service should be evidence based, given the fact that so far, despite the high number of consumers served everyday (67 million) by the catering companies, no major problems regarding food allergies have been reported.
- **Meet consumers expectations**
Experience shows that consumers are not asking for labels in catering establishments. What they expect is to receive food information when they ask for it.

**For more information, please visit: www.ferco-catering.org or contact:
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