

Position Paper

25 September 2008

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

The draft legislation will amend, recast and replace existing rules on general food and nutrition labelling provisions. Airlines, in the course of their operations, serve food to their passengers onboard their aircraft. This food is delivered by caterers to the airlines at airports and is served to the passengers by the airlines, both as pre-packed and non-prepacked food. According to the proposed regulation on the provision of food information to consumers, airlines would then fall under the category of 'mass caterer'.

The proposed regulation applied to the aviation sector will not only impose practical and economic constraints on airlines but will fail to achieve its goal of simplifying and harmonising EU food labelling and information to consumers.

Impact of the Regulation on international operations

Given the international character of the airline business, the scope of the regulation, with regards to "placing the product on the market" is unclear. On the basis of the flag state principle, this new regulation would imply that any food served onboard an aircraft of any EU registered airline would have to comply with the requirements set out in the regulation. From a consumer perspective, this scenario means that consumers would be provided with different types of information on allergens or no information at all - depending on which carrier they are flying with and if they are flying from or to the EU. For instance, the appropriate information would be given to the passengers on a Lufthansa flight Frankfurt-Tokyo, whereas it would not be the case on a Japan Airlines flight Frankfurt-Tokyo.

With regards to the labelling of the pre-packed food, any food delivered by caterers to the carriers at EU airports would have to comply with the proposed EU legislation. However, as air carriers from third countries would not have to comply with EU legislation – as the food is served in-flight and not on EU territory –, these airlines might relocate their catering to caterers outside the EU in order to avoid additional costs linked to the new labelling requirements. This so called "back catering" would imply that the food served to passengers onboard of a third country carrier aircraft would not comply with the EU labelling requirements, even if it is leaving from an EU airport. This would also put EU caterers at a competitive disadvantage with their non-European competitors and would lead to more loading and therefore to higher fuel consumption – which increases environmental burdens.

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Regarding the information provided to consumers on allergens, the regulation also leaves room to manoeuvre for the Member states to add national provisions to the EU standards or to admit exemptions: The possibility for Member states to adopt different rules concerning the manner allergen information is provided to consumers might cause significant and unjustified incoherencies.

In effect, for the consumers, it would imply that depending on which carrier they are flying with and whether they are flying to or from Europe, they would be provided with different types of information or no information at all. This would clearly contradict the objective of the proposed regulation and would be detrimental to consumers.

Further to the incoherencies implied by the unclear scope of the regulation, the proposed rules would also introduce significant impracticalities for airlines' operations. Airlines indeed reload their food at different locations worldwide. For any flights coming from third country airports to the EU, airlines will have major difficulties to ensure compliance with the regulation, since third-country caterers have to comply with their own local legislation. Bearing in mind local peculiarities (e.g. India, Africa), EU obligations are difficult to impose; if at all, only at high costs. The multi-national character of air transport also opens the discussion about which language shall be used on the packages and how to ensure readability of the labels. On top of that, the implementation of the drafted regulation would lead to high additional costs for the airline industry due to its specific situation: airline caterers have a high turnover of meals per day and produce a large variety of meals with constantly changing menus. Major caterers have around 200 customers; cycles change on a weekly to monthly basis. All new menus would require being analysed and labelled, thereby increasing the production costs.

Solution proposed by the airline industry

AEA wants to emphasise that information to passengers on food is of key importance to airlines to provide qualitative food and avoid any health problems for our passengers. To solve the difficulties linked to the extraterritorial impact of the directive, AEA would, therefore, propose to refer to the existing practices of the aviation industry, which would allow airlines to comply with the objectives of the regulation and ensure coherent information to the consumers/passengers.

Over the past years, the airline industry has developed a standard to ensure that any passenger with special food requirement can be served a special meal onboard the aircraft. This standard has been developed by IATA (International Air Transport Association) and is applied by all international scheduled carriers. For further reference, the latest IATA industry standards are enclosed with this paper.

The quality and safety of the food served onboard our aircraft is a key element of the customer service airlines are delivering to their passengers. However, the specificity of the airlines' operational model as mass caterers and its extraterritorial impact needs to be recognised and taken into consideration in European legislation.

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- Luxair
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- SAS Scandinavian Airlines
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AEA airlines therefore urge the European Parliament and the Council to acknowledge the specificities of aviation and its industry standards catering to the passengers' needs on a global level by globally applicable - and moreover globally implemented - procedures.

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AEA brings together 35 European airlines, carrying 380 million passengers and 7 million tonnes of cargo per year to 615 destinations in 165 countries, employing 426 thousand people and accounting for an annual turnover of 79 billion Euros. AEA carriers have the highest passenger volumes and largest traffic shares in air transport between Europe and the US, operating around 190 flights per day which accommodate 42,000 passengers.

ANNEX

Outline of airline catering

According to the proposed regulation on the provision of food information, airlines would fall under the category of “mass caterer” because they serve food to their passengers onboard their aircraft.

Although commercial airlines re-heat and serve the food onboard, it is extremely rare for them to manufacture the food. In most circumstances, the airlines purchase the food ready made from specialist airline caterers who deliver it to the aircraft in portions, ready to serve or ready to reheat and serve.

Some airline caterers make the food items from start to finish but others buy some, if not all, of the meal components ready-made from external suppliers. In such instances, the airline caterer simply assembles the trays, loads them into the aircraft trolleys and takes them out to the aircraft.

The food can be uploaded in a variety of different locations depending on the availability of suitable catering facilities at the outstations and the need to maintain branding of the airline meal. Some of these stations are European and some are not. These broadly fall into the following 5 categories:

1. Single sector – The food for the outbound flight is loaded at the base station and the food for the return sector is loaded at the outstation e.g. LHR-JFK loaded in London, JFK-LHR loaded in New York.
2. Multi sector catering – The flight comprises several sectors but all of the sectors are catered from the base station e.g. LHR-ANU-TAB all sectors loaded in London.
3. Shuttle catering – The flight comprises several sectors but some of the sectors are catered from down route stations e.g. LHR-NAS-PLS, LHR-NAS loaded in London, NAS-PLS loaded in Nassau.
4. Return catering – The outbound food and the inbound food are catered from the base station e.g. LHR-CDG-LHR all sectors loaded in London.
5. Down route shipments – Products are loaded in bulk at the base station and sent to the outstation, products are then portioned and loaded at the outstation for the return sector e.g. Highland Spring Water being loaded in London, sent down to Cape Town then loaded by the Cape Town caterers onto the CPT-LHR flights.

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Nature of airline food

The food can be a mixture of wrapped, sealed products, hot meals with loose, unsealed foils on them, open cold food plates with loose plastic covers on them and completely unwrapped products.

The aim of the loose foils and the loose plastic covers is to protect the items from contamination during transit. Some airlines remove these prior to serving to the customer whilst others leave them in place for the passenger to remove them.

Even when airline caterers buy in ready meals, they can be a mixture of wrapped, loosely covered and unwrapped products.

Airline industry agreements

A number of airlines enter into code share agreements with other airlines whereby they carry passengers on behalf of one another. As a result, although a passenger may have purchased for example, a ticket for a British Airways flight, they may fly on an American Airlines flight as part of a code share agreement between the two airlines.

Some airlines are also members of alliances, the main ones being Star Alliance and One-World Alliance. By being members of such arrangements leads their customers to believe that they can expect the same level of service regardless of which Alliance members they are traveling with.