

Work package 2.

EXPLORING THE NATIONAL CHARACTERISTIC OF REGULATION, COLLECTING BEST PRACTICES AND EXAMPLES FOR REGULATIONS

BUDAPEST BUSINESS UNIVERSITY

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CONTENTS

EXPLORING THE NATIONAL CHARACTERISTIC OF REGULATION, COLLECTING BEST PRACTICES AND EXAMPLES FOR REGULATIONS	1
PART I: LEGAL ENVIRONMENT IN THE EUROPEAN UNION	9
1. STARTING POINTS	9
2. ON THE REGULATORY ENVIRONMENT IN THE EUROPEAN UNION: MAIN FUNDS RELATING TO FOOD IN CONNECTION WITH ALLERGENS, SUBSTANCES AND PRODUCTS CAUSING INTOLERANCES	10
3. FOOD LAW- MAIN FUNDS	11
3.1. The Decisive Legislation in the Field of Food Law in the European Union: On the Regulation (EC) No 178/2002	11
3.2. On the Material Scope of the Regulation (EC) No 178/2002	12
3.3. On the basic definitions of Regulation (EC) No 178/2002.....	12
3.3.1. On the importance of the definitions.....	12
3.3.2. On the Definition of Food Law	12
3.3.3. On the Definition of Food Business Operator and Food Business	13
3.3.4. On the Definition of Traceability	13
3.3.5. On the definition of final consumer	13
3.3.6. On the Definition of Placing on the Market	13
3.4. On the General Principles of Food Law	14
3.4.1. The Main Features of The General Principles of Food Law	14
3.4.2. List and Meaning of General Principles of Food Law	14
3.5. On General Requirements of Food Law	15
3.5.1. On Food Safety Requirements.....	15
3.5.2. On the Presentation	16
3.5.3. On the Responsibilities	16
3.6. On the European Food Safety Authority	16
4. ON THE LEGAL BASIS OF FOOD INFORMATION IN THE COMMUNITY LAW .	17



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4.1.	On the Regulation of Food Information in General	17
4.2.	On the General Aims of Regulation (EU) No 1169/2011.....	18
4.3.	On the Principles of Mandatory Food Information.....	19
4.4.	On the General Requirements and the Obligations of Food Business Operators Relating to Food	20
5.	ON THE MANDATORY INDICATION OF THE SUBSTANCES AND PRODUCTS CAUSING ALLERGY OR INTOLERANCE.....	21
6.	LABELLING OF SUBSTANCES OR PRODUCTS CAUSING ALLERGY OR INTOLERANCE.....	23
6.1.	1. On the Specific Requirements for the Labelling of Substances and Products that cause Allergies or Intolerances.....	23
6.2.	Other Regulation on Information.....	24
7.	ON REGULATION OF DISTANCE SELLING.....	24
8.	OTHER RELEVANT RULES RELATING TO SUBSTANCES, PRODUCTS CAUSING ALLERGY OR INTOLERANCE	25
8.1.	On the Fundamental Rules Concerning the Field of Food Hygiene	25
8.2.	On the specific Regulation Concerning the Food Information on Gluten.....	25
PART II: LEGAL ENVIRONMENT IN HUNGARY.....		28
9.	ON THE HUNGARIAN LEGISLATION RELATING TO INFORMATION IN CONNECTION WITH ALLERGENS, SUBSTANCES AND PRODUCTS CAUSING INTOLERANCES - MAIN FUNDS	28
9.1.	Common Characteristics	28
9.2.	On the Most Relevant Hungarian Legislation Relating to Information with regard to Allergens, Substances and Products Causing Intolerances	29
9.2.1.	On Listing of the Most Relevant Acts	29
9.2.2.	On Listing of Other Relevant Laws	30
9.2.3.	On the Particular Legislation relating to Information in Connection with Allergens, Substances and Products Causing Intolerances	30



10.	ON THE DECESIVE PROVISIONS RELATING TO INFORMATION WITH REGARD TO ALLERGENS, SUBSTANCES AND PRODUCTS CAUSING INTOLERANCES BY THE ACT XLVI OF 2008 ON THE FOOD CHAIN AND THE OFFICIAL SUPERVISION.....	30
10.1.	On the Scope of the Act XLVI of 2008 on the Food Chain and the Official Supervision	30
10.2.	On the Definition of Food Chain and Food Chain Operators	31
10.3.	On the Scope of Éltv.	31
10.4.	Control for Affixing Information Rules	32
10.5.	On Fundamental Information Rules – on Food Labelling Regulations.....	32
10.6.	On Issue of Responsibility.....	32
10.7.	On the Meaning of Food Labelling in Hungarian Law	32
10.8.	On the Meaning of Food Production in Hungarian Law.....	33
10.9.	On the Meaning of Catering Establishment and Product in Hungarian Law.....	33
10.9.1.	Conclusion	34
10.10.	On the Possibility of Verbal Information on the Presence of Allergens, Substances and Products Causing Intolerances in Final Products	34
11.	ON INFORMATION REQUIREMENTS FOR CATERING PRODUCTS IN CONNECTION WITH ALLERGENS, SUBSTANCES AND PRODUCTS CAUSING INTOLERANCES	35
11.1.	On the Relevant Terms of Allergens, Substances and Products Causing Intolerances in the Field of Catering.....	35
11.1.1.	On the Importance of Terms in the Field of Catering	35
11.1.2.	On the Term of Catering Product	36
11.1.3.	On the Term of Catering Activity.....	36
11.1.4.	On the Term of Catering Establishment.....	36
11.2.	On Information Requirements in Catering in the Case of Non-Distance Selling.....	37
11.2.1.	On Fundamental Rules of Information in the Field of Catering	37
11.2.2.	On Verbal Information in the Field of Catering.....	38
11.3.	On Information Requirements in the Field of Catering in the Case of Distance Selling	38



12.	ON INFORMATION OF NON-PREPACKED FOODS OFFERED FOR SALE BY MEANS OF AUTOMATIC VENDING MACHINES OR AUTOMATED COMMERCIAL PREMISES IN CONNECTION WITH OF ALLERGENS, SUBSTANCES AND PRODUCTS CAUSING INTOLERANCES.....	39
	LEGAL ENVIRONMENT IN TURKEY	40
13.	FOOD ALLERGY REGULATIONS IN TURKEY	40
13.1.	Background.....	40
13.1.1.	Current Regulations.....	40
14.	LEGISLATIVE MEASURE IN THE SLOVAK REPUBLIC.....	44
14.1.	Labelling of allergens in food in the Slovak Republic	45
16.	LEGAL ENVIRONMENT (PORTUGAL).....	50
16.1.	Decree-Law no. 26/2016	50
17.	CONSEQUENCES AND SUGGESTIONS.....	53
18.	SUMMARY	54
	PART III: BEST PRACTICES IN THE HORECA SECTOR IN HUNGARY.....	55
19.	MATERIAL AND METHOD.....	55
20.	EXPERIENCES OF THE INTERVIEWS	56
20.1.	Legislators, authorities	56
20.1.1.	Ministry of Agriculture (Ministry) and National Chain Food Safety Office (NÉBIH) ..	56
20.1.2.	Public Health Authority	61
20.2.	Food business operators	64
20.2.1.	Commercial catering	64
20.2.2.	Public catering	66
	In Hungary, as defined in Act XLVI of 2008 on the Food Chain and Official Control:.....	66
20.3.	Professional and civil organizations	73
20.3.1.	National Association for the Representation of the Interests of People with Celiac Disease (hereinafter referred to as the Association)	73



ETDTFA – Education and Training Development for the Treatment of Food Allergies

20.3.2.	National Association of Hungarian Dietitians (hereinafter: MDOSZ).....	75
21.	CONSEQUENCES AND SUGGESTIONS.....	78
22.	SUMMARY	80
BEST PRACTICES IN THE HORECA SECTOR IN TURKEY.....		82
23.	MATERIAL AND METHOD.....	82
24.	RESULTS.....	84
24.1.	Guidelines.....	84
24.1.1.	Allergen guidance for food businesses Last updated 14 June 2022 in English, Turkish version belongs to 2015	84
24.1.2.	Turkish National Society of Allergy and Clinical Immunology – Food Allergy Guidelines Pocket Guide 2018	84
25.	PROJECTS.....	85
25.1.	Education based projects	85
25.1.1.	“Be Aware of Allergy Project” (Alerjinin Farkına Var Projesi) 2023	85
25.1.2.	“Allergy on the Target Project” (Alerji Hedefte Projesi) 2017.....	86
25.1.3.	“I am aware” project (Farkındayım Projesi), 2015	86
25.2.	Allergen Free Foods projects.....	87
25.2.1.	“Cook healthy foods for allergic children” (Alerjik çocuklarmıza sağlıklı yemekler yapalım) 2019	87
25.2.2.	Food Allergy Awareness Week Activity 8-14 May 2022.....	88
25.3.	E-learning Educations on Food Allergy for HoReCa	88
25.4.	Menus.....	89
25.5.	Digital implications	91
25.6.	Scientific Research about Food Allergy and Food Services/ HoReCa	91
26.	EXPERIENCES OF THE INTERVIEWS	93
26.1.	Background.....	93
26.1.1.	Interviews were conducted with 17 HoReCa + 1 Civil Organization + 2 Legal Authorities and with a total of 20 organizations. List of the interview I is presented below ...	93
26.1.2.	Examination of the interview data	94



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27.	CONSEQUENCES AND SUGGESTIONS.....	97
27.1.	Consequences.....	97
27.2.	Suggestions.....	98
27.2.1.	Allergen labelling for food manufacturers Last updated 26 January 2023	99
27.2.2.	Allergen guidance for institutional caterers Last update 14 December 2017	99
27.2.3.	Claims about gluten in food: a guide for caterers	99
28.	SUMMARY	100
29.	MATERIAL AND METHOD.....	101
29.1.	The purpose of the research	101
29.2.	Research methodology and methods	102
30.	EXPERIENCES OF THE INTERVIEWS	103
30.1.	Defining the problems arising in connection with the indication of allergens	103
30.2.	A method of treatment for consumer comments due to the allergenic content of food 106	
30.3.	Presentation of the good practice of measures related to allergens from the side of HoReCa sector representatives	108
31.	CONSEQUENCES AND SUGGESTIONS.....	110
32.	SUMMARY	111
	BEST PRACTICES IN THE HORECA SECTOR IN PORTUGAL.....	112
33.	MATERIAL AND METHOD.....	112
33.1.	The aim of the study.....	112
33.2.	Data collection procedure	112
33.3.	Data analysis technique.....	113
34.	EXPERIENCES OF THE INTERVIEWS	114
34.1.	Restaurants, Hotels, Educational Establishments & Others.....	114
34.1.1.	Representativeness of the sample by subsector.....	114
34.1.2.	Special dietary needs and expectations regarding allergens have appeared in your clientele	115



34.2.	Civil Organizations	121
35.	CONSEQUENCES AND SUGGESTIONS.....	126
35.1.	Limitations of the study.....	127
36.	SUMMARY	127
	REFERENCES	128
	LIST OF FIGURES	130
	LIST OF TABLES	131



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PART I: LEGAL ENVIRONMENT IN THE EUROPEAN UNION

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1. STARTING POINTS

The European Union's food regulation is based on basic regulatory funds in relation to allergens, substances and products causing intolerance. These basic regulatory funds declare that consumer protection and a high level of consumer protection shall be ensured by the European Union by providing information for consumer. Essentially, the regulatory material for information related to allergens and substances, products causing intolerance, which is a key issue from the point of view of protecting the interests of consumers, is built on these basic regulatory funds. In relation to the information to be provided to consumers regarding allergens, substances and products causing intolerance, several special rules apply in food law. Knowledge of the basic principles and basic definitions of food law, such as the definition of food, the definition of final consumer, the definition of food business operator, the definition of catering, and the main regulatory content linked to them is very important, because the knowledge of these definitions and the main regulatory content linked to them is essential for understanding the regulatory material of information on allergens, and substances, products causing intolerance and for appropriate application of it.



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2. ON THE REGULATORY ENVIRONMENT IN THE EUROPEAN UNION: MAIN FUNDS RELATING TO FOOD IN CONNECTION WITH ALLERGENS, SUBSTANCES AND PRODUCTS CAUSING INTOLERANCES

The EU Community law is generally in pursuit of an achievement a high level of consumer protection. *EU Charter of Fundamental Rights*, which contains the principle values of the European Union, *sets out* in Article 38 *that Union policies shall ensure a high level of consumer protection. Treaty on the Functioning of the European Union* (TFEU)¹ as one of the basic law in the EU, includes provisions on consumer protection, too. Pursuant to the provisions of TFEU, the Union contributes to protect the health, safety and economic interests of consumers, in order to promote the interests of consumers and to ensure a high level of consumer protection. Moreover, *TFEU contains also that the EU contributes to information, education of consumers* as well as to organise themselves in order to safeguard their interests.² European Union takes measures to achieve these objectives. The measures shall be adopted by Article 114, for the approximation of the provisions laid down by law, regulation or administrative action in Member States which have as their object the establishment and functioning of the internal market. Regarding the latter measure it shall be emphasized that the European Parliament and the Council are to establish it under the ordinary legislative procedure after consultations with Economic and Social Committee. It should be noted relating to the measures that free movement of safe and wholesome food is an essential aspect of the internal market and contributes significantly to the health and well-being of citizens, and to their social and economic interest within the Community.

¹ The Treaty on the Functioning of the European Union is the basis of EU law. It should be noted that the other main treaty of the European Union is the Treaty on European Union (TEU). The TFEU and the TEU together form the basic treaties of the European Union. See the Consolidated version of the Treaty on European Union and the Treaty on the Functioning of the European Union (Consolidated, 2012)

² Article 169 (1) TFEU



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The internal market shall comprise an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured in accordance with the provisions of the Treaties.³⁴

TFEU provides in relation to the field of consumer protection that consumer protection requirements shall be considered in defining and implementing other Union policies and activities.⁵ Under the consumer protection regime so called shared competence applies between the Union and the Member States applies.⁶ The shared competence means that both the European Union and the Member States may legislate and adopt legally binding acts in the area concerned. However, the Member States shall exercise their competence to the extent that the Union has not exercised its competence. The Member States shall again exercise their competence to the extent that the Union has decided to cease exercising its competence.⁷

3. FOOD LAW- MAIN FUNDS

3.1. The Decisive Legislation in the Field of Food Law in the European Union: On the Regulation (EC) No 178/2002

The high level of protection of human health and the basis for the assurance of consumers' interest in relation to food appear concentratedly among the preferred objectives of the European Union. In the field of legislation the Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 (hereinafter: Regulation (EC) No 178/2002) has been adopted the high level of protection of human health and the basis for the assurance of consumers' interest in relation to food harmonizing with the preferred objectives mentioned above.⁸

³ See former footnote to the Treaties.

⁴ Article 26 (2) TFEU

⁵ Article 12 TFEU

⁶ Article 4 (2) f TFEU

⁷ Article 2 (2) TFEU

⁸ The name of the Regulation: Regulation (EC) No 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 procedures in matters of food safety.



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When drawing up the Regulation (EC) No 178/2002 A 178/2002 it has been taken into account the diversity in the supply of food including traditional products. The Regulation (EC) No 178/2002 A 178/2002 ensures the effective functioning of the internal market.

3.2. On the Material Scope of the Regulation (EC) No 178/2002

The scope of the Regulation relates to the next major sectors:

- the general principles and requirements of food law;
- establishing the European Food Safety Authority;
- procedures in matters of food safety.

3.3. On the basic definitions of Regulation (EC) No 178/2002

3.3.1. On the importance of the definitions

In order to realize the two aims related to human life and health as well as consumer protection in the field of food law in the EU, Regulation (EC) No 178/2002 determines a wide range of definitions by clarifying their meanings. ***The importance of clear definitions is to provide an opportunity to establish appropriate, uniform and good practices in the field of food law.***

3.3.2. On the Definition of Food Law

The definition of food law appears as a primary definition in Regulation (EC) No 178/2002. ***In general, food law may be described as a range of sources of law which is related to food, in particular, to food security.***

Food law is the compilation of

- laws,
- regulations,
- administrative provisions

which are accepted by the Community or by the member states.

The definition refers to all the stages of food producing, processing and trading. It is worth pointing out that the definition of food law also covers all the stages of producing, processing and distributing feed produced for, or fed to, food-producing animals.



3.3.3. *On the Definition of Food Business Operator and Food Business*

Food business operator is defined in Regulation (EC) No 178/2002 as a natural or legal person who *is responsible for meeting the requirements of food law within the food business controlled by it*. Thus, the definition of food business operator is related to another definition called food business, which is also included in the previously mentioned regulation. The regulation determines which businesses are considered to be food businesses. **Food business** is a kind of undertaking, which *fulfils any of the activities concerning any stage of production, processing and distribution of food*. They may be public or private, for profit or non profit.

3.3.4. *On the Definition of Traceability*

Traceability is one of the main pillars in the food policy of the European Union. It gives an opportunity to keep track of food, feed, food-producing animals or substances intended to be, or expected to be incorporated into a food or feed through all stages of production, processing and distribution.

On one hand, traceability has become important because of the difficult supply chains having developed until now. On the other hand, it has an outstanding role, because it may be regarded as a basis to realize the determining concept 'Farm to fork' in the EU. It is essential to emphasize the fact that *traceability plays a significant role in fully meeting the expectations of consumers with special nutritional needs*. Traceability has also an important influence on preventing or minimalizing the effects of problematic products on consumers.

3.3.5. *On the definition of final consumer*

The final consumer is *the last consumer of a foodstuff*, who does not use the food as part of any food business operation or activity.

3.3.6. *On the Definition of Placing on the Market*

Placing on the market is a complex definition involving the followings:

- holding of food or feed for the purpose of sale, including offering for sale;
- any other form of transfer of food or feed whether free of charge or not;
- the sale, distribution, and other forms of transfer of food or feed.

Labelling is a key issue during placing on the market, so knowing the definition is very important.



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3.4. On the General Principles of Food Law

3.4.1. *The Main Features of The General Principles of Food Law*

The main features of the general principles of food law are the followings:

- they make a framework,
- they are universal,
- they need to be followed,
- they have a horizontal nature.

3.4.2. *List and Meaning of General Principles of Food Law*

The general principles of food law are the following:

- *risk analysis*: It means a process. The process consists of three interconnected components: risk assessment, risk management⁹ and risk communication¹⁰. It is a general principle, that food law shall be based on risk analysis with available scientific evidence and undertaken in an independent, objective and transparent manner.¹¹ Risk assessment means a scientifically based process consisting of four steps. They are the followings: hazard identification, hazard characterisation, exposure assessment and risk characterisation.¹² The definition of hazard is essential, for which the following is relevant: „*a biological, chemical or physical agent in, or condition of, food or feed with the potential to cause an adverse health effect*”.¹³
- *precautionary principle*: it is relevant in those specific circumstances, where, after evaluating the available information the possibility of harmful effects on health is identified but scientific uncertainty persists. In these cases provisional risk management measures may be adopted – until collecting for further scientific information for a more comprehensive risk assessment to ensure the high level of health protection fixed in the Community.¹⁴

⁹ Article 3 12. of Regulation (EC) No 178/2002

¹⁰ Article 3 13. of Regulation (EC) No 178/2002

¹¹ Article 6 of Regulation (EC) No 178/2002

¹² Article 3 11. of Regulation (EC) No 178/2002

¹³ Article 3 14. of Regulation (EC) No 178/2002

¹⁴ Article 7 of Regulation (EC) No 178/2002



- *protection of consumers' interests:* the information of consumers is essential to the protection of the interests of consumers in the field of food law. ***The role of food law is supremely important from the point of view of the protection of the interests of consumers. Food law shall provide a basis for consumers to make informed choices in relation to the foodstuffs they consume.*** The protection of the interests of consumers aims at the prevention of the following:
 - - fraudulent or deceptive practices;
 - - the adulteration of food;
 - - any other practices which may mislead the consumer.

3.5. On General Requirements of Food Law

3.5.1. On Food Safety Requirements

The basic requirement of food safety is that food must not be placed on the market if it is unsafe.¹⁵ There are two categories when ***food is kept not safe:***

- ***injurious to health;***
- ***unfit for human consumption.***

In that regard, whether any food is safe or not, the following must be considered according to the Regulation:

- the normal conditions of use of the food by the consumer at each stage of production, processing and distribution and food consumption;
- ***the information provided to the consumer, including information on label or other information which are generally available to consumers concerning the prevention of specific adverse health effects from a particular food or category of foods!***

When determining whether a food is ***injurious*** to health, the following must be taken into account:

- not only the probable immediate and/or short-term and/or long-term effects of the food on the health of a person consuming it, but also the effects mentioned above on subsequent generations;
- the probable cumulative toxic effects;

¹⁵ Article 14 of Regulation (EC) No 178/2002



- *the particular health sensitivities of a specific category of consumers where the food is intended for that category of consumers!*

3.5.2. On the Presentation

The Regulation contains severe provisions on presentation serving consumer protection in the field of food law. The basis of these provisions is that it is prohibited to mislead the consumers during labelling, advertising and presentation of food or feed and informing the public.¹⁶

3.5.3. On the Responsibilities

In Community law there are basic obligations which food and feed business operators must comply with in all phases of production, processing and distribution activities of their enterprises. This obligation involves in satisfying the requirements of food law which are relevant to their activities and to verify that such requirements are met.¹⁷

3.6. On the European Food Safety Authority

European Food Safety Authority (hereinafter referred to as the Authority) is established by the Regulation (EC) No 178/2002. The Authority has complex issue. It shall provide on one hand scientific advice, on the other hand scientific and technical support for the Community's legislation and policies in all fields which have a direct or indirect impact on food and feed safety.

The Authority must provide independent information on all matters within these fields. Furthermore, the Authority's task is also, to pay attention to risks. In the functioning of the Authority it is essential, that there is an organisational structure, and in this structure the Scientific Committee and Scientific Panels play a particular role. *Among the Scientific Panels it is worth mentioning for example the Panel on dietetic products, nutrition, and allergies.*

¹⁶ Article 16 of Regulation (EC) No 178/2002

¹⁷ Article 17 of Regulation (EC) No 178/2002



4. ON THE LEGAL BASIS OF FOOD INFORMATION IN THE COMMUNITY LAW

4.1. On the Regulation of Food Information in General

The EU law includes strict regulations on food information to ensure a high level of consumer protection as a basic requirement which has been described in detail in the previous section. The issue is dealt with a specific regulation in the EU, which shows the significance of it. *Since some food ingredients may cause an allergy reaction or intolerance to certain people, informing consumers about substances or products causing allergies or intolerances has a key role.* Regarding food information to consumers the Regulation (EU) No 1169/2011¹⁸ contains the fundamental and mandatory rules. This regulation also involves in specific regulatory contents about substances or products causing allergies or intolerances.

To make the relevant rules more understanding and applicable, the Regulation (EU) No 1169/2011 includes what the term 'food' shall be considered. For this term, the term of the previously analysed Regulation (EC) No 178/2002 is applicable.

It means that the Regulation (EU) No 1169/2011 fully accepts the term of food on the basis of the previously detailed Regulation (EC) No 178/2011/EC.¹⁹ According to the governing rules, every

¹⁸ Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004

¹⁹ See: this analysis under II. 3., 3.3 point



processed²⁰, partly-processed or raw²¹ substances and products intended to be consumed by humans are classified to be food. Furthermore, any substances such as water among other things, deliberately added over producing and processing belong to the term of food, too.

Concerning the content of the regulation, we need to emphasize that it is complex. On one hand, *the Regulation (EU) No 1169/2011 contains general principles, requirements, and obligations in connection with food information by emphasizing the labelling of different kinds of food*. On the other hand, the regulation *determines both the means which ensure the right of consumers to be well-informed and the rules of procedure in connection with the field of food information*.

Regulation (EU) No 1169/2011 sets the rules for food business operators in case their business activity is related to giving food information to consumers. The term 'food business operator'²² is also defined by Regulation 178/2002/EK mentioned above.²³

4.2. On the General Aims of Regulation (EU) No 1169/2011

As a starting point, Regulation (EU) No 1169/2011 determines that a high level of protection of consumers' health shall be pursued in the field of food law. *The Regulation serves a dual aim*. On one hand, *the aim is that final consumers shall be able to make a well-established decision by their food choices*.

On the other hand, *food shall be consumed safely*. In both cases health, economic, environmental, social, and ethical aspects shall be seriously taken into consideration.²⁴

In addition, the aim of food information law is to achieve in the Union the free movement of legally produced and marketed food. From this aspect it shall be considered that the regulation of food

²⁰ According to Regulation (EU) No 1169/2011 for the definition 'processed product' the Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs shall be applied.

²¹ According to Regulation (EU) No 1169/2011 for the definition 'unprocessed product' the Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs shall be applied.

²² Article 3 3. of Regulation (EC) No 178/2002

²³ See: this analysis under II. 3., 3.4 point

²⁴ Article 3 1. of Regulation (EU) No 1169/2011



information law shall protect producers' legitimate interest as well as it shall promote the production of high-quality goods.²⁵ The form of food information basically appears in labelling according to the governing rules. By nature, concerning food information, the regulation may vary, and new requirements may appear in the regulation, too. When food information law establishes new requirements, a food 'transitional period' after the entry into force of the new requirements shall be granted. During such transitional period, foods bearing labels not complying with the new requirements may be placed on the market, and stocks of such foods that have been placed on the market before the end of the transitional period may continue to be sold until exhausted.²⁶

4.3. On the Principles of Mandatory Food Information

Regulation (EU) No 1169/2011 determines rules in case of mandatory food information. According to the regulation, assuming the governing rules determine mandatory food information relating to food, the mandatory food information shall aim at the information in one of the following three categories:

- information on the identity and composition, properties or other characteristics of the food;
- information on the protection of consumers' health and the safe use of a food.

It shall concern information on:

- compositional attributes that may be harmful to the health of certain groups of consumers.
 - durability, storage and safe use;
 - the health impact, including the risks and consequences related to harmful and hazardous consumption of a food;
- information on nutritional characteristics so as to enable consumers, including those with special dietary requirements, to make informed choices.²⁷

²⁵ Article 3 2. of Regulation (EU) No 1169/2011

²⁶ Article 3 3. of Regulation (EU) No 1169/2011

²⁷ Article 4 of Regulation (EU) No 1169/2011



4.4. On the General Requirements and the Obligations of Food Business Operators Relating to Food

Concerning the fundamental requirement of Regulation No 1169/2011/EU, food information about the food that is dedicated to the final consumer, catering, or mass catering shall be realised according to the rules of the Regulation.²⁸ In this field achieving fair food information practice is an important requirement.

Regulation (EU) No 1169/2011 determines several rules concerning fair food information practice. Several rules in connection with substances causing allergy and intolerance are extremely important. In terms of these rules, we need to draw attention to the one according to which, food information shall consist of the three basic features.

The three basic features of food information are the followings:

The food information shall be

- accurate,
- clear,
- easily understandable to consumers.²⁹

Beyond all these another important rule states that food information shall not be misleading, particularly in the case of food ingredients.³⁰

²⁸ Article 6 of Regulation (EU) No 1169/2011

²⁹ Article 7 2. of Regulation (EU) No 1169/2011

³⁰ Article 7 1. of Regulation (EU) No 1169/2011



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5. ON THE MANDATORY INDICATION OF THE SUBSTANCES AND PRODUCTS CAUSING ALLERGY OR INTOLERANCE

Regulation (EU) No 1169/2011 determines as its requirement that it is mandatory to indicate specific data concerning food information. *As a requirement, mandatory indication refers to several data such as* listing food ingredients as well as *indicating allergens and substances or products causing intolerance*. The regulation includes an accurate list in Annex II about the substances and products which are considered to be allergens and cause intolerance. There are 14 substances or products on this list, they are the followings:

1. Cereals containing gluten, namely: wheat (such as spelt and khorasan wheat), rye, barley, oats or their hybridised strains, and products thereof.
2. Crustaceans and products thereof.
3. Eggs and products thereof.
4. Fish and products thereof.
5. Peanuts and products thereof.
6. Soybeans and products thereof,
7. Milk and products thereof (including lactose).
8. Nuts, namely: almonds (*Amygdalus communis* L.), hazelnuts (*Corylus avellana*), walnuts (*Juglans regia*), cashews (*Anacardium occidentale*), pecan nuts (*Carya illinoensis* (Wangenh.) K. Koch), Brazil nuts (*Bertholletia excelsa*), pistachio nuts (*Pistacia vera*), macadamia or Queensland nuts (*Macadamia ternifolia*), and products thereof
9. Celery and products thereof;
10. Mustard and products thereof;
11. Sesame seeds and products thereof;
12. Sulphur dioxide and sulphites at concentrations of more than 10 mg/kg or 10 mg/litre in terms of the total SO₂ which are to be calculated for products as proposed



ready for consumption or as reconstituted according to the instructions of the manufacturers;

13. Lupin and products thereof;

14. Molluscs and products thereof.

Regarding the fourteen substances or products listed above, ***food information shall be provided in the following way:***

- ***all the ingredients as well as all the technological supplementary material listed above as substance or product causing allergy or intolerance that are used in food producing or are present in the final product even in a modified form shall be indicated.***
- ***furthermore, each ingredient and technological supplementary material coming from the listed substances and products that are used during production and are present in the final products shall be indicated, too.***³¹

It is also important to point out that the rules laid down in the above also apply to non-pre-packaged foods. According to Regulation (EU) No 1169/2011/EU, it is mandatory to provide the above data:

- where foods are offered for sale to the final consumer or to mass caterers without pre-packaging, or
- where foods are packed on the sales premises at the consumer's request or
- where foods are prepacked for direct sale.³²

According to the Regulation (EU) No 1169/2011, member states may adopt national measures concerning the means through which the mandatory data are to be made available and, where appropriate, their form of expression and presentation.

³¹ Article 9 1. points b-c. of Regulation (EU) No 1169/2011

³² Article 44. 1 of Regulation (EU) No 1169/2011



6. LABELLING OF SUBSTANCES OR PRODUCTS CAUSING ALLERGY OR INTOLERANCE

6.1.1. On the Specific Requirements for the Labelling of Substances and Products that cause Allergies or Intolerances

Labelling of substances or products causing allergy or intolerance shall be realised in the following way:

- *substances or products causing allergy or intolerance shall be indicated in the list of ingredients with a clear reference to the name of the 14 substance or product listed in Annex II;*
- *the name of the 14 substance or product shall be clearly distinguished from the other ingredients*, so their name shall be highlighted with a typeset e.g. with font, style or background colour. For example, if all other ingredients are marked with the font ‘Times New Roman’, then a different font such as ‘Calibri’ should be used to mark the 14 substances or products. The same applies if the separation is done by style, i.e. if all other components are in normal style, then a different style should be used to indicate the 14 material or product, for example, a bold font style. By definition, this method of application also applies to colour separation in marking.
- in the absence of listing ingredients, the indication of the particulars shall include the word ‘contains’ and the name of the 14 substance or product listed in Annex II. It means that *the word ‘contains’ must be clearly included, specifically in relation to the indication of the name of the 14 substances or products.*
- in case more ingredients or processing aids of a food come from a single substance or product (14 substance or product) listed in Annex II, the labelling shall make it clear for each ingredient or processing aid concerned. *So, if several ingredients or technological aids of the food are derived from the 14 substances or products that are classified as allergens substances or products causing intolerance by the Community law of the European Union then it must be clearly indicated for all relevant ingredients or technological aids by labelling.*



- in cases where the name of the food clearly refers to the substance or product listed in Annex II, the indication of the particulars shall not be marked.³³

It is also important to emphasise that in terms of the Regulation the duty of the Commission is to systematically re-examine and, where necessary, update the list in Annex II. The Commission does it to provide consumers with better information and to take account of the most recent scientific progress and technical knowledge.³⁴

Where it is essential due to an emergence of a risk to consumers' health, the rules to be applied will come into force in the frame of an urgency procedure according to the provisions of the Regulation.³⁵

6.2. Other Regulation on Information

It shall also be highlighted that in case food is offered for sale to the final consumer or to mass caterers without pre-packaging, or when foods are packed on the sales premises requested by the consumer or prepacked for direct sale, the information defined above is also mandatory.³⁶

7. ON REGULATION OF DISTANCE SELLING

The Regulation (EU) No 1169/2011 fixes important rules in connection with information about allergens and substances, products causing intolerance in the case of distance selling.

When prepacked foods offered for sale by means of distance communication (i.e. telephon, internet) the main rules are the followings:

- mandatory food information shall be available before the purchase is concluded and shall appear on the material supporting the distance selling or be provided through other appropriate means clearly identified by the food business operator;
- when other appropriate means are used, the mandatory food information shall be provided without the food business operator charging consumers supplementary costs;

³³ Article 21 1. of Regulation (EU) No 1169/2011

³⁴ Article 21 2. of Regulation (EU) No 1169/2011

³⁵ Article 21 3. of Regulation (EU) No 1169/2011

³⁶Article 44 1. of Regulation (EU) No 1169/2011



- all mandatory particulars shall be available at the moment of delivery.³⁷

In the case of non-prepacked foods offered for sale by means of distance communication, the rules mentioned above shall be made available in accordance with the following:

- mandatory food information shall be available before the purchase is concluded and shall appear on the material supporting the distance selling or be provided through other appropriate means clearly identified by the food business operator.

8. OTHER RELEVANT RULES RELATING TO SUBSTANCES, PRODUCTS CAUSING ALLERGY OR INTOLERANCE

8.1. On the Fundamental Rules Concerning the Field of Food Hygiene

Handling substances or products causing allergy or intolerance has a key importance from the aspect of food hygiene, too. Considering this issue the Regulation (EC) No 852/2004³⁸ in the EU law establishes strict rules in connection with equipment, conveyances or containers used for the processing, handling, transport or storage of one of the 14 substances or products causing allergy or intolerance listed in Annex II. According to the regulation, it is the primary rule that the means mentioned above shall not be used for the processing, handling, transport or storage of any food, not containing that substance or product listed in Annex II. Exceptions may be allowed in case the equipment, conveyances and/or containers have been cleaned and checked at least for the absence of any visible debris of that substance or product.³⁹

8.2. On the specific Regulation Concerning the Food Information on Gluten

Considering the fact that gluten may have a harmful effect on certain people's health, it is important for people with gluten intolerance to get help by being informed properly about food that is appropriate for them. As it has been mentioned before, *on the basis Annex II in Regulation (EU) No*

³⁷ Article 14 of Regulation (EU) No 1169/2011

³⁸ Regulation (EC) No 852/2004 of the European Parliament and of The Council of 29 April 2004 on the hygiene of foodstuffs

³⁹ Annex II Chapter IX point 9. of Regulation (EC) 852/2004



1169/2011 labelling gluten as a substance causing intolerance on food is mandatory. The mandatory indication of gluten ensures safety for people suffering from this kind of intolerance. It is important, however, that the extent of intolerance may vary, so food information referring to gluten shall be emphasised over the gluten content of a food. Regarding this issue, the opportunity for voluntary food information may be taken in the European Union.

Concerning voluntary food information in connection with the gluten content of food, special regulation in Community law of the European Union shall be the governing one. The legislative basis of voluntary food information on gluten content is laid down in Article 36 3. point d) of Regulation (EU) No 1169/2011. According to it, the Commission sets the voluntary rules regarding gluten-free or low gluten content in an implementing legislative act. **The governing implementing law is the following: Commission Implementing Regulation (EU) No 828/2014 of 30 July 2014 on the requirements for the provision of information to consumers on the absence or reduced presence of gluten in food.**

Regulation (EU) No 828/2014/EU determines the definition of gluten, furthermore, in the frame of voluntary food information, it allows to apply of two expressions: gluten-free and very low-gluten.⁴⁰

According to Regulation (EU) No 828/2014 the definition of ‘gluten’ is the following: gluten is a protein fraction from wheat, rye, barley, oats or their crossbred varieties and derivatives thereof, to which some persons are intolerant, and which is insoluble in water and 0,5 M sodium chloride solution.⁴¹ The Regulation fixes that the statement ‘**gluten-free**’ may only be made where the food as sold to the final consumer **contains no more than 20 mg/kg of gluten**. While the term ‘**low gluten**’ shall only be applied where the food

- consists of or containing one or more ingredients made from wheat, rye, barley, oats or their crossbred varieties;
- it has been specially processed to reduce the gluten content;
- **it contains no more than 100 mg/kg of gluten in the food as sold to the final consumer**

It is also important, that Regulation No 828/2014/EU establishes specific requirements concerning food with oat content, too. In foods marked as gluten-free or low gluten content, only specific oats shall be used. It means that oats contained in a food presented as gluten-free or very low gluten must have been

⁴⁰ Annex point A of Regulation (EU) 828/2014

⁴¹ Article 2 point a) of Regulation (EU) 828/2014



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specially produced, prepared and/or processed in a way to avoid contamination by wheat, rye, barley, or their crossbred varieties and the gluten content of such oats cannot exceed 20 mg/kg.

Concerning giving food information to consumers, Regulation 828/2014/EU determines that only the statements above may be applied in the case of food information regarding gluten-free or low gluten content by considering their conditions and meeting their requirements.⁴²

Food information may be accompanied by the following statements:

- *'it shall only be consumed by people with gluten intolerance'* or
- *'it may be used by people suffering from coeliacia'* or
- *'it is exclusively made for people with gluten intolerance'* or
- *'it is exclusively made for people suffering from coeliacia'*

Using the two latter statements depends on the way how food has been prepared, produced and/or processed

- the gluten content of one or two ingredients of the food have been reduced;
the ingredient containing gluten has been replaced with another natural gluten-free ingredient.

It is important to emphasize that the regulations concerning the gluten content of infant formulae and follow-on formulae are very strict. In these cases, it is prohibited to provide gluten-free or low gluten food information since they cannot contain even a small amount of gluten.

⁴² Article 3 of Regulation (EU) 828/2014



PART II: LEGAL ENVIRONMENT IN HUNGARY

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9. ON THE HUNGARIAN LEGISLATION RELATING TO INFORMATION IN CONNECTION WITH ALLERGENS, SUBSTANCES AND PRODUCTS CAUSING INTOLERANCES - MAIN FUNDS

9.1. Common Characteristics

One of the key characteristics of Hungarian law is that the provisions concerning information in connection with allergens, substances and products causing intolerances may be found in the Hungarian legislation.

The other decisive feature of Hungarian law relating to information regarding allergens, substances and products causing intolerances is that the relevant provisions are harmonised with European Union community law.

The provisions in European Union community law offers a basis and framework for the Hungarian legal rules relating to information regarding allergens, substances and products. causing intolerances. Particularly relevant are in this field for European Union community law the followings:



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- *Treaty on the Functioning of the European Union;*
- *Regulation (EC) No 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 procedures in matters of food safety;*
- *Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004*
- *Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs*
- *Commission Implementing Regulation (EU) No 828/2014 of 30 July 2014 on the requirements for the provision of information to consumers on the absence or reduced presence of gluten in food.*

Other significant characteristics of Hungarian law is that Hungarian law focuses on consumer protection. A self-standing, sui generis Act concerning consumer protection, namely Act CLV of 1997 on consumer protection has been passed by the legislature. The material scope of the Act with respect to the businesses is widespread.¹

9.2. On the Most Relevant Hungarian Legislation Relating to Information with regard to Allergens, Substances and Products Causing Intolerances

9.2.1. On Listing of the Most Relevant Acts

- Act XLVI of 2008 *on the food supply chain and the official supervision*
- Act CLV of 1997 *on consumer protection*
- Act XLVII of 2008 *on prohibiting unfair commercial practices to the detriment of consumers*

¹ Pursuant to 1.§ (1) of the Act on consumer protection, undertakings' activities which affect or may affect the consumers are within the scope of the Act.



- Act CLXIV of 2005 *on Trade*

9.2.2. On Listing of Other Relevant Laws

- 68/2007. (VII. 26.) FVM-EüM-SzMM joint decree *on certain conditions of food hygiene of food production and marketing and the official control of foodstuffs*
- 37/2014. (IV. 30.) EMMI decree *on nutrition requirements for the mass-catering*
- 62/2011. (VI. 30.) VM decree *on the food safety conditions of the production and distribution of goods for restaurant*

9.2.3. On the Particular Legislation relating to Information in Connection with Allergens, Substances and Products Causing Intolerances

Essence of the subject:

- 36/2014. (XII.17.) FM decree *on food information*

10.ON THE DECESIVE PROVISIONS RELATING TO INFORMATION WITH REGARD TO ALLERGENS, SUBSTANCES AND PRODUCTS CAUSING INTOLERANCES BY THE ACT XLVI OF 2008 ON THE FOOD CHAIN AND THE OFFICIAL SUPERVISION

10.1. On the Scope of the Act XLVI of 2008 on the Food Chain and the Official Supervision

The scope of the Act XLVI of 2008 on the food chain and the official supervision (hereinafter: Éltv.) along with many other fields includes rules of information relating to food chain event.² Information is a cardinal issue in connection with allergens, substances and products causing intolerances, therefore certain provisions in Éltv. are unavoidable.

² Article 2 (2) m) point of Éltv.



10.2. On the Definition of Food Chain and Food Chain Operators

Taking into account that *Éltv.* clarifies definition of food chain and identifies it in a lot of regulatory content, for example within the information and food supply chain operators – knowledge of concept is necessary.

Food chain: all processes, which have direct or indirect impact on food during

- soil protection,
- agri-environment,
- plant production,
- plant health,
- plant protection,
- production, placing on the market and use of products subject to authorisation and veterinary medicinal products,
- production, transport, storage, distribution and use of food and feed,
- housing, transport, and distribution of animals,
- animal health,
- treatment, storage, transport, distribution, and use of by-products of plant and animal origin.

Éltv. defines the food chain operators as follows:

Food chain operator: a person specified by *Éltv.*, and any other person or organisation, who/which carry out any of the activities related to any stages of production, processing, storage, transport, distribution or use in food supply chain.³

10.3. On the Scope of *Éltv.*

The scope of *Éltv.* includes all of

- natural persons,
- legal persons and
- unincorporated organisations, who (which) are operators of food chain.⁴

³ 21/A point under heading „*Definitions*” in Annex to the Act XLVI of 2008

⁴ Article 2 (1) of *Éltv.*



10.4. Control for Affixing Information Rules

Pursuant to Éltv. official supervision of food chain includes affixing information rules relating to the products covered by Éltv.⁵

10.5. On Fundamental Information Rules – on Food Labelling Regulations

Éltv. establishes strict provisions relating to the aforesaid fields.

Food may be placed on the market only if its labelling contains

- Hungarian,
- comprehensible,
- unequivocally,
- clearly visible

information determined in Éltv. on its implementation and legal acts directly applicable in the EU. In Hungarian law these are so called food labelling regulations.⁶

10.6. On Issue of Responsibility

The Éltv. identifies two main responsibilities for food safety and food quality.

Responsible are the following persons:

- producer of food, or
- operators who place food first on Hungarian market, if food is produced not in Hungary.

Time of responsibility is important, too: as a main rule, responsibility extends to the end of minimum durability.⁷

10.7. On the Meaning of Food Labelling in Hungarian Law

Definition of food labelling is based on the term Article 2 (2) j) point of 1169/2011/EU Regulation, which has been already explained in the analysis of EU law. Food labelling in Hungarian law means any

⁵ Article 4 s) point of Éltv.

⁶ Article 10 (1) of Éltv.

⁷ Article 14 (2) of Éltv.

NB: Article 15 (2a) of Éltv. includes a particular rule of responsibility.



words, particulars, trademarks, brand name, pictorial matter or symbol in case of distance sale, moreover food indicating on a document supporting distance selling or indication being provided through other appropriate means clearly identified by the food business operators.⁸

10.8. On the Meaning of Food Production in Hungarian Law

Definition of food production is complex in Hungarian law. Food production includes *operation of* storage of raw material, cleaning, grading, preparation, manufacturing, packaging, *marking*, in addition any storage and transport operation *for production of* – except basic product - *processed or unprocessed products*.⁹

10.9. On the Meaning of Catering Establishment and Product in Hungarian Law

Catering establishment: means a *business*, which meets the requirements laid down in the Act of Trade and *distribution of catering products is traded* in catering relating to the Act of Trade *including establishments for mass-catering* also.¹⁰

Definition of *catering product* is precisely laid down by Éltv. as follows: - *food, -drink* (except drinking water), - *bakery products, - delicatessen food, including food produced by catering*, which are served most at the point of production, provisional stall, or servicing facilities, and are sold delivered to the door, without intermediary undertaking, in consumers' presentation or are sold to the final consumer through a retail establishment with limits given by other norms.¹¹

⁸ 13. point under heading „*Definitions*” in Annex to the Act XLVI of 2008

⁹ 15. point under heading „*Definitions*” in Annex to the Act XLVI of 2008

¹⁰ 70/A. point under heading „*Definitions*” in Annex to the Act XLVI of 2008

¹¹ 71. point under heading „*Definitions*” in Annex to the Act XLVI of 2008



10.9.1. Conclusion

In conclusion, the following shall be taken into account by the rules of the FM decree in connection with mandatory rules of presentation allergens, substances causing intolerances and products of non-prepacked food category:

- ❖ Information shall be happened before purchase.
- ❖ Information shall be easily accessible, at the same time providing information may not cause any additional costs to the final consumer.
- ❖ It shall be referred to the name of the 14 allergens, substances and products causing intolerances listed in the European Union law, as a main rule, it shall be represented with a clear reference on a physical or electronic medium and at the point of sale for certain non-prepacked food.
- ❖ It is to draw consumers' attention clearly legible to the place availability of before mentioned information on physical or electronic medium placed in the establishment.

10.10. On the Possibility of Verbal Information on the Presence of Allergens, Substances and Products Causing Intolerances in Final Products

There is a *possibility in certain cases to give verbal information on the presence of allergens, substances and products causing intolerances in final products* under the FM decree.

These cases are the following:

- *information is provided by personally in that way, that the person responsible for information constantly presents in the establishment;*
- *upon request, consumers receive verbal information without any delay, before purchase on the sales premises;*
- *verbal information is based on a written document available in the establishment.*

The other condition of the verbal information is, that *it is to be represented easily visible on a physical or electronic medium on the sales premises of the non-prepacked foods that the consumer is entitled to get verbal information on the presence of allergens, substances and products causing intolerances*



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in the final products. Essential condition is in the case of verbal information, that the possibility of it is to be indicated easily visible and on a physical or electronic medium.

Food business operators have additional obligation concerning verbal information. *They shall develop an internal process relating to verbal information on the presence of allergens, substances and products causing intolerances in final products.* In the internal process the followings shall be developed:

- the way of verbal information;
- appointment the person responsible for verbal information.

It is essential, that *the internal process shall be documented on physical or electronic medium* and made easily available for the staff and the audit authority.

11.ON INFORMATION REQUIREMENTS FOR CATERING PRODUCTS IN CONNECTION WITH ALLERGENS, SUBSTANCES AND PRODUCTS CAUSING INTOLERANCES

11.1. On the Relevant Terms of Allergens, Substances and Products Causing Intolerances in the Field of Catering

11.1.1. On the Importance of Terms in the Field of Catering

It should be made clear *the basic terms in the field of catering* relating to allergens, substances and products causing intolerances. For example, the term of catering product is to be defined *to fulfil information requirements to consumers for these products group also*, to put the consumer in a position to know the presence of allergens, substances and products causing intolerances in catering products. The knowledge of the terms is necessary, their importance for practice is significant.



11.1.2. On the Term of Catering Product

The term of catering product is laid down in the already analysed Hungarian law, *Act XLVI of 2008 on the food chain and the official supervision* (hereinafter: Éltv.) adopted in 2008.¹² By the Act the catering product is **food, drink** (except drinking water), **bakery products, delicatessen food, including food produced by mass-caterers**,

which are served primarily

- at the point of production;
- provisional stall facilities;
- servicing facilities, and

which are sold

- without intermediary undertaking, in consumers' packaging and delivered to the door;
- to the ultimate consumer through a retail establishment with limits given by other norms.

11.1.3. On the Term of Catering Activity

It is necessary to clear the term of catering activity beside the term of the catering product. A decree in Hungarian law, the 62/2011. (VI. 30.) VM decree *on the food safety conditions of the production and distribution of goods for restaurant* contains the definition of catering activity.¹³

Catering activity is a complex definition, which includes *the following activities: - production, storage, transport and placing on the market of catering products*. The catering activity is defined as being *directed towards two groups of persons: the final consumer and other caterers*.

11.1.4. On the Term of Catering Establishment

A catering establishment means in Hungarian law¹⁴ a business premises. A business premises is to meet the characteristics laid down in the Act of Trade.¹⁵ According to these characteristics, a business premises is defined as a building made or used for carrying on a commercial activity, or a building unit, or premises, including a building or a building unit mainly used for storage or warehousing, where a

¹² 71. point in Annex to the Act

¹³ 2.§ 19. point of the Regulation

¹⁴ 70/A.§ in Annex to Éltv.

¹⁵ 2.§ 27. point CLXIV of the Act 2005 on the Trade



commercial activity is carried on, too. It is therefore essential, that business premises are not established for the purpose of carrying on any activity, they are established for the purpose of carrying on a commercial activity.¹⁶ To sum up the term of catering establishment in Hungarian law, the following shall be noted. *Catering establishment means a business premises defined in the Act on Trade, where distribution of catering products is traded in catering relating to the Act of Trade including establishments for mass catering, too.*

11.2. On Information Requirements in Catering in the Case of Non-Distance Selling

11.2.1. On Fundamental Rules of Information in the Field of Catering

The following relevant rules apply to non-prepacked catering products presenting for marketing by non-distance selling:

- information is to be before purchase, that is before food ordering;
- information is to be easily available;
- information may not impose additional costs to the final consumer;
- it shall be referred to the name of the 14 allergens, substances and products causing intolerances listed in the European Union law, as a main rule it is to be represented with a clear reference, on a physical or electronic medium and at the point of sale for certain non-prepacked food. There is also a possibility of verbal information to the guest written below;
- it is to draw consumers' attention clearly legible to the place availability of information on a physical or electronic medium placed in the establishment;
- In that case when information is written, it may happen on different devices in the business premises, for example on board, on menu, in leaflet or on interactive board.

¹⁶ It should be noted, that the Act on Trade contains the definition of commercial activity in Hungarian law as following: commercial activity shall mean wholesaling and retailing activity and commercial agency also.



11.2.2. On Verbal Information in the Field of Catering

In the case of verbal information on allergens, substances causing intolerances and products, the following main rules shall be complied with based on an internal procedure developed in the business premises:

- ***guest is to be informed before purchase, that is before food ordering;***
- ***information may not impose additional costs to the guest;***
- ***verbal information may be provided by the person from the staff, who have been educated in the subject and his/her education is documented and he/she is present in the business premises;***
- ***verbal information is based on a written document;***
- ***person providing oral information is familiar with the document in which the verbal information is included;***
- ***guest has a right to know the document at his/her request.***

11.3. On Information Requirements in the Field of Catering in the Case of Distance Selling

According to the European Union community law, it is to be ensured that the final consumer shall get adequate information on the presence of allergens, substances and products causing intolerances in final products in case of placing on the market of non-prepacked catering products by means of distance communication.

The main rules relating to information are the followings:

- information is mandatory before purchase, that is before food ordering;
- guest is entitled to know information without any additional costs.



12.ON INFORMATION OF NON-PREPACKED FOODS OFFERED FOR SALE BY MEANS OF AUTOMATIC VENDING MACHINES OR AUTOMATED COMMERCIAL PREMISES IN CONNECTION WITH OF ALLERGENS, SUBSTANCES AND PRODUCTS CAUSING INTOLERANCES

In this case, it ***should be ensured that consumers are appropriately informed*** on the presence of allergens, substances and products causing intolerances in final products ***at the point of sale.***



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LEGAL ENVIRONMENT IN TURKEY

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13. FOOD ALLERGY REGULATIONS IN TURKEY

13.1. Background

13.1.1. Current Regulations

Turkey is a candidate country for membership in the European Union. The main target of Turkish food and agriculture policy is to harmonize the related laws and regulations with the European Union *acquis communautaire*. The Ministry of Agriculture and Forestry is the authority that prepares and enforces the majority of food and agricultural policy and regulations and is the contact point for international organizations in food and agricultural issues.

Non-EU European nations like Switzerland, Ukraine, and Turkey, as well as Gulf State Organization countries, align with the EU in allergen labelling. In order to, Turkish Food Codex Labelling and Informing Consumers Regulation and the Turkish Food Codex Nourishment and Health Declaration Regulation published updated regulatory regime for food labelling and nutrition information in Official Gazette number 29960 on 26 January 2017 to become in line with the European Union's approach. [1-Arseven M (2017) Turkey updates regulations for food labelling and nutrition information in line with European Union. (Özdoğan, I., Çelebi, Y., 2016)] The new regulations outline responsibilities, mandatory label information, as well as certain limits on nutrition claims. Two pieces of regulation were published in 1) The Turkish Food Codex Labelling and Informing Consumers Regulation, 2) Turkish Food Codex Nourishment and Health Declaration Regulation.



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ETDTFA – Education and Training Development for the Treatment of Food Allergies

Key points under the regulations include, food labelling and nutrition information include the food name, the ingredient list, allergens, net amount of food, expiration or sell-by-date, instructions of use, name or business name and address, country of origin, alcohol strength for beverages with more than 1.2% volumetric alcohol, a nutrition notice, and a user manual. Detailed key points are listed as below:

1. Food managers who supply food to the market under his/her name are responsible for ensuring the items contain the mandatory information, whereas importers are responsible for such information with regard to imported products.

2. With limited exceptions, the following information must be included:

<ul style="list-style-type: none"> • Food name.
<ul style="list-style-type: none"> • Ingredient list.
<ul style="list-style-type: none"> • Allergy or intolerance producing materials or products.
<ul style="list-style-type: none"> • Amounts of certain components and component groups.
<ul style="list-style-type: none"> • Net amount of the food.
<ul style="list-style-type: none"> • Recommended expiration date or sell-by-date.
<ul style="list-style-type: none"> • Specific conservation and/or terms of use.
<ul style="list-style-type: none"> • Name or business name of the food manager and their address.
<ul style="list-style-type: none"> • Business registration ID or identification marks (for example, trademark).
<ul style="list-style-type: none"> • Country of origin.
<ul style="list-style-type: none"> • User manual for food when it is not possible to consume the food properly without such information.
<ul style="list-style-type: none"> • Alcoholic strength for beverages with more than 1.2% volumetric alcohol.
<ul style="list-style-type: none"> • Nutrition notice.
<ul style="list-style-type: none"> • A label containing the mandatory information must be appended or attached to the packaging in a way which ensures it does not separate from the package itself.
<ul style="list-style-type: none"> • Information should be:
<ul style="list-style-type: none"> • Clearly readable.
<ul style="list-style-type: none"> • Not be able to be deleted.



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<ul style="list-style-type: none"> • In Turkish.
<ul style="list-style-type: none"> • Nutrition and health claims must not be:
<ul style="list-style-type: none"> • Vague, wrong, or deceptive.
<ul style="list-style-type: none"> • Done in a way which throws suspicion on the item’s nutritional value, credibility, or promotes overconsumption.
<ul style="list-style-type: none"> • Alcoholic beverages with more than 1.2% volumetric alcohol must not carry any health claims.

1. Table The above information must be included in key points under the regulations

In addition, Turkey’s laws also required mandatory allergen labelling. On 22 January, 2019, the World Trade Organization announced that the Ministry of Agriculture and Forestry/General Directorate, Turkey proposed to adopt the Turkish Food Codex Regulation on Food Labelling and Information to Consumers. The document follows the Regulation (EU) No 1169/2011 of the European Parliament and the Council, with the goal of protecting customers by “[setting out] general principles, needs and responsibilities governing food information to consumers and in particular food labelling”. The publication entered effect into on December 31, 2019 (2- Derelioglu N (2019) Turkey proposes new rules on food labelling and information to customers. (Gruber, 2019)

With the scope of the regulation The Turkish Food Codex Regulation on Food Labelling and Information to Consumers which has been forced on 26th of January 2017, on 1th of January 2020 it became mandatory to communicate the allergen information to consumer in food services as for HoReCa. In addition, it became mandatory to present allergen information on food labels of packaged foods.

Food services were described as the place where food is processed and presented to the final consumer for consumption; such as restaurants, canteens, schools and hospitals that provide catering services, including mobile vehicles or fixed or mobile counters. While making the allergen notification, the 14 allergen substances included in the Regulation and stated below will be taken as a basis. This notification can be made through banners, blackboards, and menus. The Regulation is in line with the 1169/2011 EC directives and is applied in similar ways in European Union member countries.



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Ministry of Agriculture and Forestry, Turkey has structured a poster named as “Allergen List” stating the 14 major food allergens which is for presenting to consumers in food services. Please see below.



1. Figure Allergen List by the Turkish Ministry of Agriculture and Forestry

Source: (Etiketleme, 2020)



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LEGAL ENVIRONMENT IN SLOVAKIA

14. LEGISLATIVE MEASURE IN THE SLOVAK REPUBLIC

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In everyday life, as a result of the enormous impact of food allergens and intolerances, this topic has become much discussed not only among experts, but also among the general public. The centre of attention is not only information on prevention, symptoms, diagnosis and treatment of food intolerances and allergies, but also obligations and issues connected with the application of food allergen legislation in gastronomic practice.

Consumers' expectations for the quality, availability and especially the safety of the food they consume are constantly growing. Due to the variety of foods that are available on the market today and due to the constant growth of allergic diseases, which the food itself, or their allergenic components make it more than necessary to inform the consumer about the composition of individual products in the interest of his health. Consumer awareness of food allergens in the restaurant sector, in the restaurant-guest (consumer) relationship in Slovakia, as well as in the entire territory of the European Union, is mainly solved by legislation, but the human factor plays an equally important role in it.

Legislative measures for consumer protection combine various European and national directives or laws, their regulations and decrees. In the countries of the European Union, the so-called "food law" (potravinové právo - PP), which is in accordance with international food standards - "Codex Alimentarius" and EU legislation.



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Food law operates on the principle "from farm to fork", which in the interest of protecting health and human life applies to the entire chain of food production up to the final sale to the consumer. Its goal is to provide the consumer with accurate and comprehensible information that will enable him to safely choose a suitable food. (FUCHS, M. et al., 2016)

14.1. Labelling of allergens in food in the Slovak Republic

In order to support and protect the health of consumers and protect people on the food market, in the Slovak Republic, the obligations of operators, the rights and obligations of persons in relation to food, as well as the organisation, scope and authority of official food control bodies are established in Act no. 152/1995 Coll. Act of the National Council of the Slovak Republic on foodstuffs (Zákon č. 152/1995 Z. z. Zákon Národnej rady Slovenskej republiky o potravinách, 1995)

The Food Codex of the Slovak Republic regulates requirements for health safety, hygiene, requirements for the composition and quality of food, ingredients, as well as technological procedures used in their production and requirements for the packaging of individual foods, their groups or all foods, the scope and method of their labelling, their storage, transport, handling and circulation, as well as principles for sampling and testing. Everyone who produces food, handles it and places it on the market is obliged to comply with the requirements established in the food code (ŠVPS-SR, 2023).

In the Slovak Republic, the labelling of allergens in food is regulated by the European Parliament's directive on food labelling, which was transformed into a decree of the Ministry of Health of the Slovak Republic. This regulation regulates the labelling of food put into circulation for the final consumer, as well as for restaurants, hospitals, canteens and other social catering facilities. The obligation to indicate the presence of allergens in food results from Directive 2003/89/EC of the European Parliament and of the Council, which amends Directive 2000/13/EC regarding the labelling of ingredients present in food, and from the Order of the Ministry of Agriculture of the Slovak Republic and the Ministry of Health of the Slovak Republic no. 1187/2004 – 100, which issues the title of the Food Code of the Slovak Republic regulating food labelling. Based on the aforementioned legislation, foods are divided into 14 groups, within which each group is numerically marked (see Table 2.)



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<i>Numerical labelling</i>	<i>Grocery</i>
1.	Cereals containing gluten (i.e. wheat, rye, barley, oats, millet) and their products, except for: <ul style="list-style-type: none"> - wheat glucose syrups including dextrose - wheat maltodextrins - barley glucose syrup
2.	Crustaceans and their products
3.	Eggs and egg products
4.	Fish and fish products, except: <ul style="list-style-type: none"> - fish gelatine, used as a carrier of vitamins or carotenoid preparations - fish gelatine or fish oil used to clarify beer and wine
5.	Peanuts and their products
6.	Soybeans and their products
7.	Milk and milk products
8.	Nuts, i.e. almonds, hazelnuts, walnuts, cashews, pecans, Brazil nuts, pistachios, macadamia nuts, Queensland nuts and their products
9.	Celery and its products
10.	Mustard and its products
11.	Sesame seeds and their products
12.	Sulphur dioxide and sulphites in concentrations higher than 10 mg/kg or 10 mg/l.
13.	Lupine and its products
14.	Molluscs and their products

2. Table **Substances or products causing allergies or intolerances**

Source: (Nariadenie Európskeho parlamentu a Rady (EÚ) č. 1169/2011 - príloha II., 2011)



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ETDTFA – Education and Training Development for the Treatment of Food Allergies

It is the duty of every seller/operator – as amended – to provide the final consumer with information on whether the food in question contains an ingredient that can cause an allergic reaction or intolerance. When labelling, it is necessary to pay attention to the fact that labelling is a written statement of data on the packaging but also in an accompanying document, notice or warning.

In the Slovak Republic, as of 31 March 2018, new requirements for labelling allergens on menus, as well as in the case of counter sales and self-service, have been established. If any entity sells various food or beverages within the European Union, it is obliged to provide basic information accurately, easily visible and understandable, not misleading and indelible, so that the final consumer can make a decision about their purchase based on all the necessary data. In the field of food and food products, in addition to their safety and origin, their correct labelling is also important. The reason is mainly the protection and information of the consumer, so that he has the opportunity to make a free and correct choice and at the same time he is not deceived by inappropriate advertising or harm to his health. Decree no. 243/2015 Coll. on the requirements for food labelling introduced not only new rules regarding the labelling of unpackaged foods, but also the labelling of allergens for dishes and meals (POHORELÁ, Označovanie alergénov v jedálnych lístkoch od 31.3.2018. , 2018).

When labelling food, it is mandatory to state in the case of packaged food:

1. the name of the food
2. list of ingredients (including any additives)
3. information about allergens
4. the amount of certain ingredients
5. date labelling (minimum shelf life/use by)
6. country of origin, if this is necessary for the sake of comprehensibility for the consumer (example: products that have a flag or a well-known landmark of the country shown on the packaging)
7. name and address of the food business operator based in the EU or the importer
8. net quantity
9. all special conditions of storage and/or conditions of use
10. if necessary, instructions for use
11. alcohol content in drinks (if higher than 1.2%)
12. nutritional data



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ETDTFA – Education and Training Development for the Treatment of Food Allergies

All food and drink sold in the EU must display basic information to enable the end consumer to make informed purchasing decisions. In addition to correct labelling, nutritional information, additives, nutritional supplements and health and nutritional claims are also required. In the Slovak Republic according to decree no. 243/2015 Coll. on food labelling requirements in the case of non-packaged food, food or food offered through counter sales or self-service selection, the list of substances or products causing allergies or intolerance must be placed in a clearly visible place. We consider such a place to be the counter from which unpackaged food is sold, or a place in its accessible vicinity. In case of failure to fulfil this obligation, the seller faces a fine imposed by the State Veterinary and Food Administration of the Slovak Republic. (Vyhláška č. 243/2015 Z.z. o požiadavkách na označenie potravín, 2015)

If it is a meal offered to the customer in the form of a separate menu, the labelling of substances or products causing allergies or intolerances must be indicated separately for each meal. Each menu must also include a list of substances or products causing allergies or intolerances.

The decree regulates two ways of labelling allergens on menus: in the form of the full name of the substance or product causing allergies or intolerance, or the serial number of the substance or product causing allergies or intolerance listed in Annex II of Regulation of the European Parliament no. 1169/2011.

The change also occurred in the case of the Food Act, with effect from 1 July 2022. The Ministry of Agriculture and Rural Development of the Slovak Republic drafted an amendment to Act No. 152/1995 Coll. on food, which introduced several changes (POHORELÁ, Zmeny v zákone o potravinách od 1.7.2022, 2022):

- the state food security protection system was introduced, on the basis of which it will be possible to determine the list of agricultural and food commodities and the critical value of their stockpiles,
- the use of foods whose minimum durability date has passed as ingredients in food production has been prohibited,
- the sale of food after the expiry of the date of minimum shelf life was allowed, while the protection of consumer health on the market was strengthened,
- the minimum limit of the fine for repeated violations of obligations for which a fine was imposed was reduced,



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- mandatory observance of the share of agricultural products and food produced in the Slovak Republic in paper or electronic promotion and marketing was omitted, but with the fact that the operator is obliged to indicate the percentage of Slovak products from the total offer in the promotional leaflet.

15. SUMMARY

Labelling of food ingredients and potential allergens based on various domestic and international studies confirm the potential of helping consumers choose foods that are harmless to them, or even healthy. While the correct selection of food and meals can improve the health benefits of the final consumers' shopping baskets.



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LEGAL ENVIRONMENT IN PORTUGAL

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16.LEGAL ENVIRONMENT (PORTUGAL)

Food allergies are a growing problem in all countries, and there is increasing concern about how to provide information about the presence of foods or ingredients that can cause allergies.

In Portugal, since 2014, all establishments that sell or supply food to the public are obliged to provide information about the presence of these allergens in their products.

This chapter analyses the existing legislation in Portugal, which is based on European Regulation 1169/2011 of 25 October.

16.1. Decree-Law no. 26/2016

This decree-law ensures the implementation of the obligations that arise from the European Regulation n. 1169/2011, of October 25th, providing information to the consumers of foodstuffs, concerning several issues, namely their origin and how the information regarding the ingredients, the processing ways, or the derivation of a substance or product listed as an allergen that can cause allergies or intolerances, are used in the manufacture or in the preparation of a foodstuff and which remain in the finished product.

In Table 3, the substances or products that can cause allergies or intolerances are listed, based on the Annexe II of the Regulation.



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N.	Substances	Exceptions
1	Cereals containing gluten, namely: wheat, rye, barley, oats, spelt, kamut or their hybridised strains, and products thereof	Wheat-based glucose syrups including dextrose wheat based maltodextrins glucose syrups based on barley cereals used for making alcoholic distillates including ethyl alcohol of agricultural origin
2	Crustaceans and products thereof	None
3	Eggs and products thereof	None
4	Fish and products thereof	Fish gelatine used as carrier for vitamin or carotenoid preparations fish gelatine or Isinglass used as a fining agent in beer and wine
5	Peanuts and products thereof	None
6	Soybeans and products thereof	fully refined soybean oil and fat natural mixed tocopherols (E306), natural D-alpha tocopherol, natural D-alpha tocopherol acetate, and natural D-alpha tocopherol succinate from soybean sources vegetable oils derived phytosterols and phytosterol esters from soybean sources Plant stanol ester produced from vegetable oil sterols from soybean sources
7	Milk and products thereof (including lactose)	whey used for making alcoholic distillates including ethyl alcohol of agricultural origin lactitol
8	Nuts, namely: almonds (<i>Amygdalus communis L.</i>), hazelnuts (<i>Corylus avellana</i>), walnuts (<i>Juglans regia</i>), cashews (<i>Anacardium occidentale</i>), pecan nuts	nuts used for making alcoholic distillates including ethyl alcohol of agricultural origin



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	(<i>Carya illinoensis</i> (Wangenh.) K. Koch), Brazil nuts (<i>Bertholletia excelsa</i>), pistachio nuts (<i>Pistacia vera</i>), macadamia or Queensland nuts (<i>Macadamia ternifolia</i>), and products thereof	
9	Celery and products thereof	None
10	Mustard and products thereof	None
11	Sesame seeds and products thereof	None
12	Sulphur dioxide and sulphites at concentrations of more than 10 mg/kg or 10 mg/litre in terms of the total SO ₂ which are to be calculated for products as proposed ready for consumption or as reconstituted according to the instructions of the manufacturers	None
13	Lupin and products thereof	None
14	Molluscs and products thereof	None

3. Table **Substances or products causing allergies or intolerance**

Source: Adapted from Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011.

The Portuguese legislation refers to how the information about the foodstuff should be presented to the final consumer, namely regarding the foodstuffs for sale to catering establishments without pre-packaging; the foodstuffs supplied by catering establishments; the foodstuffs packaged at the point of sale at the buyer's request; the pre-packaged foodstuffs for direct sale; and the non-pre-packaged foodstuffs for distance selling. In all this type of selling, there are several mandatory mentions that should be presented, namely the food denomination and the indication of substances or products referred to in annexe II of the regulation. Depending on the type of selling, some other mandatory requirements should be identified.



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It should also be noted that the indication of substances or products referred to in annexe II of the regulation should be available in any information channel that allows it to be easily understood by the consumer.

The Portuguese legislation identifies administrative offences to the catering establishments that fail to comply with the rules presented in the decree-law.

17. CONSEQUENCES AND SUGGESTIONS

Portuguese legislation on allergens is fairly complete and is in line with European Union regulations. In fact, the vast majority of catering establishments in Portugal already have information about these allergens on their menus, making it easy to understand. However, there are still many establishments where this information is not present, although it is provided whenever requested by one of the staff. Even though, some suggestions can be identified to be implemented in these catering establishments. First, it is important for the staff to receive proper training on food allergies, their symptoms, and the importance of following regulations. They should be aware of allergens in the dishes and be able to answer customer questions. Also, these establishments should create a clear and informative menu that lists all allergens present in each dish. This helps customers make informed choices and avoids health risks.

In the preparation of the foodstuff for the customers, these establishments should have strict controls over the ingredients used in dish preparation. This includes proper storage, clear labelling, and regular supplier checks. In the kitchen, chefs and staff should have some safe kitchen procedures. They should be aware of food allergies and follow safe procedures to prevent cross-contamination between dishes that contain allergens and those that do not.

These suggestions will help to avoid some consequences of non-compliance with allergen regulations, namely the risk to the health of the customers, the public exposure to incidents related to food allergies and the possible loss of customers, and the legal proceedings with administrative offences (fines).



18.SUMMARY

In summary, proper implementation of allergen regulations in catering establishments is crucial to ensure customer safety, maintain a good reputation, and comply with the law. Focus on awareness, training, and compliance can benefit both customers and the establishment owners.



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PART III: BEST PRACTICES IN THE HORECA SECTOR IN HUNGARY

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19. MATERIAL AND METHOD

In-depth interviews with targeted questions were conducted with all stakeholders - businesses, professional organisations, legislators/authorities, nutrition professionals and consumers - to investigate the practice of implementing mandatory labelling of substances causing allergies and intolerances and of producing and providing food and drinks free of these ingredients to guests. The questions for the in-depth interviews were drafted by the researchers (academics) and external experts involved in the call for proposals and are presented in Annex 1.

A list was drawn up based on the suggestions of the professionals who took part in the survey, with at least one representative of each of these actors. The interviews were conducted by researchers (academics) involved in the application, students of the BGE KVIK and an external expert. The interviewees were informed by e-mail about the details of the call for proposals, the focus of the survey and the treatment of the information collected during the interview, as required by the relevant legislation. Potential interviewees were then given the opportunity to participate in the survey on a voluntary basis. The interviews were conducted using online tools (Microsoft teams, zoom), by telephone or in person, but were all audio-recorded. In this respect, the interviewees were informed in writing and gave their written consent to the recording of the interview.



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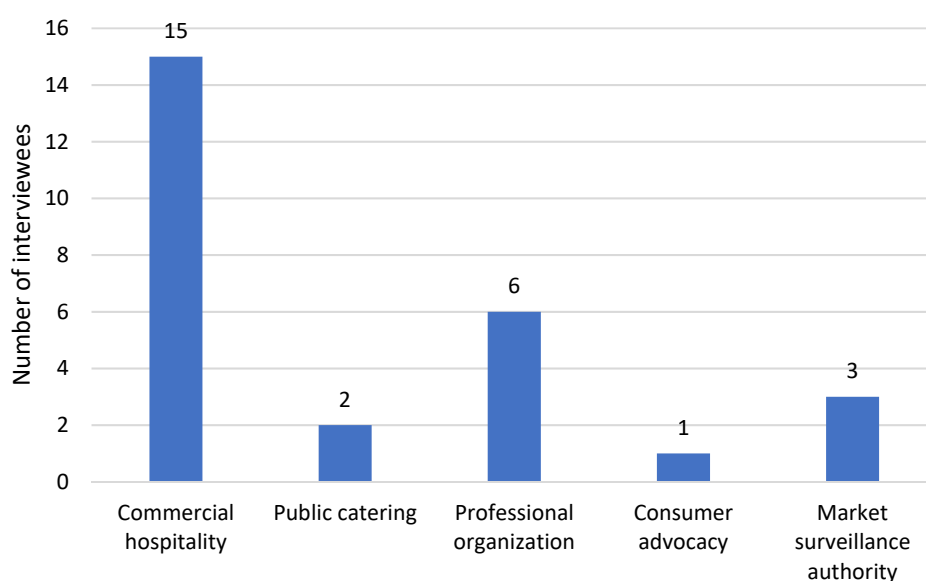
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ETDTFA – Education and Training Development for the Treatment of Food Allergies

The recorded audio material was transcribed using the Arlite software and analysed by area. Based on the groupings, the responses and opinions of the national legislator and the relevant authorities, professional organisations, commercial catering, public catering, nutrition professionals and consumer organisations were analysed separately.

The distribution of the actors interviewed is shown in Figure 1. The results are presented in text form.



2. Figure **Number of actors involved in the research by sector (n=27)**

20. EXPERIENCES OF THE INTERVIEWS

20.1. Legislators, authorities

20.1.1. Ministry of Agriculture (Ministry) and National Chain Food Safety Office (NÉBIH)

In Hungary, the Ministry responsible for the agricultural economy (hereinafter referred to as the Ministry) is responsible for the legislation on food information, as authorised by Act XLVI of 2008. The official supervision of the food chain is carried out by the National Food Chain Safety Office (hereinafter: NÉBIH) and the food chain inspection departments of the government offices.



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ETDTFA – Education and Training Development for the Treatment of Food Allergies

An integral part of food hygiene controls is the monitoring of food information obligations, including information on allergens.

It is the responsibility of the Ministry of Agriculture to establish the provisions regulating the mandatory information requirements for non-prepacked foodstuffs concerning the substances causing allergies or intolerances listed in Annex II to Regulation (EU) No 1169/2011. FM Decree 36/2014 (17.12.2014) on food information contains the requirements to be applied by the representatives of the HoReCa sector in the case of non-prepacked foodstuffs when providing mandatory information on substances causing allergies or intolerances.

Prior to the drafting of the national legislation, the Ministry held professional consultations with representatives of all sectors concerned by allergen information: consumer organisations, professional organisations of the HoReCa sector, food companies.

Prior to the adoption of the Ministerial Decree, the Ministry also organised two international conferences attended by representatives of the competent authorities of England and Austria. (Agrárminisztérium, 2014)

At these events, experts from the UK and Austria presented their national measures and good practices on allergen information: the technical discussions held during these events were of great help in the preparation of the Hungarian legislation and related information documents.

Pursuant to FM Decree 36/2014 (XII. 17.) on food information:

2. § 1. non-prepacked food: food intended for the final consumer which

- a) offered to the final consumer, catering or mass catering without packaging,
- (b) is packaged at the point of sale at the request of the consumer in the physical presence of the consumer; or
- (c) packaged for direct sale at the point of sale in the absence of the consumer.

Information on allergens should be made available to the consumer prior to purchase. The information may be provided at the point of purchase next to the name of the food on the menu or offered from the hot food counter next to the name of the food in the case of hot food, or next to the name of the ice cream in the case of ice cream counter.



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Pursuant to Article 5(1) of the Regulation, information on the presence of allergens may be given orally, provided that the person responsible for giving the oral information is permanently present in the establishment. The verbal information must be based on a detailed procedure and on a written document available in the establishment. The establishment shall indicate in a clearly visible manner, on a physical or electronic medium, from whom oral information may be requested.

The internal procedure shall include training of relevant staff on the hazards associated with substances and products that cause allergies or intolerances. Training should be documented.

The Ministry and the NÉBIH also have educational and information activities in addition to official controls.

The Ministry, together with the industry, has developed more than 20 good hygiene practice guides, which also cover the regulation of allergens. There is also a need for practical guides to help catering and catering workers to develop and operate proper allergen management.

In 2018, the NÉBIH, together with professional NGOs, set up a working group on hygiene with the task of developing a guide on good hygiene in the catering sector (the "Guide"). The Guide, which was drafted in 2012 and amended in 2018, contains a separate chapter on consumer information on allergenic ingredients and other related tasks. This Guide describes the legislation on allergen information in a way that is easy for businesses to understand. However, the Guide does not contain any suggestions or good practices for practical implementation.

The NÉBIH carries out official controls based on documents drawn up and described by businesses. The main task of the inspections is to check compliance with this documentation in the catering, commercial catering, and mass catering sectors.

Since autumn 2015, the NÉBIH has been operating a quality-driven public catering programme, whose audits look specifically at consumer information and the provision of allergen information.

The Ministry and NÉBIH's information tasks include answering questions from institutions to their customers.



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According to the experts of the authorities, the necessary legislation is in place at EU and national level for both prepacked and non-prepacked food. In the case of cross-contamination, however, food chain operators are left to their own devices, as there is no harmonised international legislation in this area. Many factors influence the marking of cross-contamination. Currently, for most allergens, there are no thresholds that can be used to safely label a product as not cross-contaminated. With the involvement of industry stakeholders, there is a need to develop good practice guidelines for food preparation to help avoid cross-contamination.

Work on cross-contamination labelling has already started in the FAO/WHO Codex Alimentarius. It would be useful to develop specific training materials and good practices on allergens to keep the knowledge of those working in the HoReCa sector up to date, both for new entrants and for those with experience. These materials should be accessible to all through online platforms.

Inspection experience:

In the summer of 2015 and 2022, a series of major inspections of Balaton's coastal catering establishments were carried out, which included an integral part of the consumer information check. In 2015, a large majority of businesses failed to provide even verbal information adequately. Inspection experience in 2022 showed a significant improvement in the provision of information on allergens.

The inspections showed that the staff responsible for providing verbal information are not always able to provide consumers with adequate information, even if there is adequate documentation and a register of the proportion of substances on the menu. There is a lack of proper documentation on the ingredients of the food, and there is a lack of adequate training for staff.

Another major problem in the catering sector is the lack of qualified staff. In addition to the chef, there is not another chef, and it is very rare to find a person skilled in dietetic food preparation.

One of the conditions for catering workers is that they can only start working after food hygiene training. Unfortunately, this does not always happen.



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A typical shortcoming in the HoReCa sector is that allergens information is prepared for the business by an advisor, but if the menu changes, entrepreneurs no longer pay attention to it.

Over the past two or three years, the food offerings on menus have declined. This is linked to the pandemic, the crisis that followed and the shortage of raw materials.

The experience of the authorities shows that where there is a large variety of food on the menu, not only is there a problem with allergen information, but other basic hygiene standards are not being properly observed. The shrinking menu and food choice may also contribute to a proper reorganisation of allergen information.

Public catering is based on a pre-planned menu. Allergen information is provided in writing on the menu, which is usually drawn up by a qualified dietician. The experience of official audits in mass catering shows that information is provided in 90% of cases. The problem tends to be with those who provide catering services in addition to their catering activities.

A critical point concerning the preparation of allergen-free foods is that these foods are not prepared properly. Where a separate diet kitchen is not available, separate equipment must be used. Where possible, separate spaces should be used for the preparation of e.g., gluten-free foods. If it is not possible to separate the space, the authority usually recommends that the preparation of dietetic food should be separated in time.

Another serious problem in the catering sector is the employment of unskilled workers in kitchen assistants, and waiters in seasonal summer catering establishments do not have the minimum qualifications required.

If the official inspectors find deficiencies during an inspection, they immediately require the business to correct them. The business must draw up a plan of action to correct the deficiencies within a short time limit.

Over the last three or four years, the number of food deliveries ordered by distance selling has increased dramatically. In this case too, the consumer must be informed before ordering. The official controls also reveal shortcomings here. Consumers are not informed of the allergenic ingredients of food on the online ordering interface.



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20.1.2. Public Health Authority

The Public Health Authority (central institution: National Public Health Center, territorial bodies: county government offices and district [capital, district] offices acting in the field of public health) monitors compliance with the provisions of Minister of Human Resources' decree No. 37/2014, Article 15 of which deals in detail with dietary catering.

The Regulation states that

(1) "In inpatient care institutions, institutions providing basic child welfare care, specialised child protection care and specialised social care, as well as in educational institutions, all persons requiring a special diet certified by a specialist shall be provided with an adequate diet in accordance with their condition, in accordance with paragraphs (2) to (5) and Article 16. § (5) and (6), taking into account the timing of meals as determined by the specialist and the appropriate portioning of food as determined by the dietician, with particular attention to persons with carbohydrate metabolism disorders.

(1a) In the case of food allergy and intolerance, the provisions of paragraph 1 shall apply only to substances and products causing allergies or intolerances listed in Annex II to Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers.

The Public Health Authority also investigates compliance with the information requirements for special diet. The display of menus and the information that must be included on menus, including the list of allergens are also checked.

6 § (1) The mass caterer as food business operator shall prepare a menu for each meal provided by it, and the Institution shall post it in a place clearly visible to the consumers - in day nurseries, in kindergartens and for parents in educational institutions - and make it available in electronic form, if the necessary conditions are available at the Institution. In the case of special dietary service, the posting of a menu containing special dishes may be dispensed with if it is made available in electronic form. In any case, any changes made to the dietary menu after publication shall be made available in the same form as the publication, provided that the rules of the educational establishment may provide for an additional direct form of notification to inform parents or legal representatives.



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(1a) In the case of the provision of a normal diet in an inpatient hospital, the posting of the menu shall be compulsory, and in the case of special dietary service, the posting of the menu containing the diet may be waived if its electronic publication is ensured.

(2) The mass caterer shall indicate on the menu of each meal:

(a) the calculated energy, fat, saturated fat, protein, carbohydrate and sugar content of each meal,

(b) the calculated salt content and the allergenic ingredients specified in the Ministerial Decree on food labelling.

The public health authority is also responsible for the control of the personal, material and technical conditions for the implementation of special dietary catering in the public catering:

16 § (5) Special diets and dietetic menus may be designed only by a qualified dietician.

(6) The mass caterer shall ensure that the preparation of dietetic food

(a) by a person qualified as a dietetic cook; or

(b) supervised by a qualified dietician.

Dietetic food preparation should only be started in a kitchen where cross-contamination can be excluded, so the storage of ingredients and the preparation of food during serving should also ensure that dietetic food preparation is separate from the preparation of normal food. The staff has a huge responsibility in the preparation of dietetic food, for which the presence of properly trained service staff and a dietician is essential.

The Public Health Authority continuously monitors the full compliance with the provisions of Minister of Human Resources' Decree 37/2014, so it does not focus exclusively on the inspection of dietary catering. In the last three years, the Public Health Authority has carried out 5,595 on-site inspections in mass catering kitchens, including mandatory allergen labelling and compliance with the requirements for special dietetic catering.

Pursuant to Government Decree 676/2020 (28.12.20) on the specific rules applicable to public procurement procedures in the field of public catering, the Public Health Authority will carry out the nutritional health qualification of public catering kitchens from 2022, which is an integral part of the official controls. The rating is based on a template of 7 modules and gives a percentage result per age group. So far, nearly 1700 ratings have been obtained, with a national average of 78%.



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The results are published on the National Public Health Center's website.

Failure to indicate the presence of allergens and ingredients causing intolerance is considered as a serious error in the nutritional certification. Based on the authority's experience, the problems and non-compliances vary somewhat from area to area and region to region in the country. A common error is deviation from the raw material declaration form or inaccuracy in the description and quantity of raw materials used. There have been several cases where the staff responsible in a mass catering kitchen has failed to attend the compulsory training on nutrition required by the decree 37/2014.

The Public Health Authority also carries out nutritional laboratory tests, but this does not cover ingredients that cause allergies or intolerances. The Public Health Authority cooperates with its partner authorities, National Food-Chain Safety Office and National Institute for Pharmacy and Nutrition.

In mass catering, the allergenic ingredients of the daily food choices are indicated on the menu display. In this respect, the public health authority is in close contact with the mass caterer as food business operator.

The public health authority considers the rules concerning them to be appropriate. As a legislative proposal, it is proposed to amend the public catering regulation to indicate allergens per food, instead of the current indication per meal.

Public health experts consider it very important that food preparation and service staff have sufficient knowledge about allergens, so it may be appropriate to develop a guide for them.

The biggest problem in the provision of special diets in public catering is currently the coverage of small villages and staffing. The possible need for 1 or 2 meals per day can only be met by small villages with no or very difficult and expensive transport costs. In these cases, parents are more likely to provide their children with food they have prepared themselves, but even in those where this is not possible, the child may not receive the most appropriate food for his or her age and health. This is one of the biggest challenges in the field of dietetic catering today, and the solution is not to produce 'free from' meals, but to bring municipalities together and jointly purchase and possibly run a joint dietetic cooking kitchen.



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The Authority puts a lot of emphasis to education throughout the sector. The development of modern technologies is always aimed at providing support, and this is likely to be the case for allergen management and information.

20.2. Food business operators

20.2.1. Commercial catering

The interviewees came from several sectors of HoReCa e.g., hotels, cafés, chain stores and restaurants. The professional management of the companies is basically familiar with the mandatory labelling requirements for substances causing allergies or intolerances listed in Annex II of Regulation (EU) No 1169/2011. Businesses are also aware of the need to provide consumers with information on allergenic ingredients in non-prepacked foods.

Companies with international ownership have the professional and technical background to set up and run an appropriate allergen management. In the case of the businesses participating in the research that operate several catering units, central standardisation is used to ensure that information is managed and communicated in the same way in all units. Material portion records and allergen information sheets are produced centrally. Updating the company's website is also the task and responsibility of the central technical unit. Staff are specially trained and tested on allergen information and on the production of foodstuffs for particular nutritional requirements. For example, a restaurant worker cannot prepare a gluten-free sandwich until it is certified in the system that he or she has completed the relevant training. Suppliers are expected to include allergen information in the product specification of the raw materials. They cannot manage storage segregated by allergen content. It is typical practice to store all their products in sealed packaging until use. Thus cross-contamination cannot occur during storage. Companies certify their suppliers, which includes factory due diligence and product due diligence. However, for most small and medium-sized enterprises, the practical implementation of allergen information is a major challenge. The work of businesses would be greatly assisted by the development of practical guides to help them implement allergen management: e.g., sourcing and handling of raw materials, kitchen technology, methods, and tools for consumer information, etc.

There are several obstacles to the practical implementation of allergen information.

There is a lack of skilled labour in the hospitality sector.



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- No education and training on allergen management, dietary food preparation is available.
- The Good Hygiene Guide for Catering provides useful information on how to interpret the legislation. However, it does not contain instructions on kitchen technology, for example on how to avoid cross-contamination.
- In many cases, cross-contamination is not clearly indicated on food labels, which is a major barrier to allergen-free food production.
- Allergen-free ingredients, e.g., gluten-free products, are much more expensive, which makes allergen-free food too expensive to produce.
- Another major problem in the HoReCa sector is the lack of resources for the necessary improvements.
- In many cases, consumers gather information from social media and do not rely on the opinion of credible trained professionals. This also leads to consumers' excessive expectations of the restaurateur.

In most cases, information on allergens is provided orally. Businesses indicate on the menu or near the serving counter where and by whom allergen information about the food is available.

The most common methods of providing allergen information in written form are:

- The allergenic ingredient is listed next to the food on the menu,
- at the counter, the allergenic ingredient is displayed next to the name of the food.

The majority of businesses with a website also aim to provide information to consumers electronically. Representatives of the HoReCa sector, regardless of size and activity, said that it would be a great help to them if more educational programmes were available. Diagrams and summaries of good practices in hygiene and allergen management would help their daily



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20.2.2. Public catering

In Hungary, as defined in Act XLVI of 2008¹⁷ on the Food Chain and Official Control:

- 70/A. catering establishment: a business within the meaning of the Trade Act in which a catering product is sold in the context of catering within the meaning of the Trade Act, including public catering establishments;
71. catering product: food, drink (excluding drinking water), confectionery, cold food, including food prepared in the context of public catering, served primarily at the place of production or at a temporary sales outlet or serving kitchen and sold to the final consumer in consumer packages without an intermediary or sold through a retail establishment within other legal limits;

Ministerial Decree of Agriculture No. 62/2011 (VI. 30.)¹⁸ on the food safety conditions for the production and placing on the market of public catering products also contains a relevant definition related to this survey:

1. § (1) The scope of this Regulation shall cover commercial catering and public catering activities, including other gratuitous catering activities, in particular advertising activities in the form of tasting and catering.
2. § (1) For the purposes of this Regulation:
 13. public catering: a catering activity whereby a defined group of consumers is provided with catering products, usually ordered in advance, at a defined time of day for a defined period of time, in particular in educational, children's, social, health, residential, camp or workplace establishments;
 19. catering activities: the production, storage, transport and marketing of catering products to the final consumer or to other caterers.

¹⁷XLVI. (2008) act on the food chain and its official supervision

<https://net.jogtar.hu/jogszabaly?docid=a0800046.tv>

¹⁸ 62/2011. (VI. 30.) decree of Minister of Agriculture on food safety conditions for the production and marketing of catering products

<https://net.jogtar.hu/jogszabaly?docid=a1100062.vm>



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It follows from the foregoing that, when discussing the subject of catering, we cannot ignore public catering as a specific area of catering. There are two further specific pieces of legislation on public catering that an undertaking providing the service must take into account. The first is the Ministerial Decree of Human Resources No. 37/2014 (IV. 30.)¹⁹ on the nutritional health requirements for public catering, the second is the Government Decree 676/2020 (XII. 28.)²⁰ on the specific rules of procedures applicable to public procurement in the field of public catering. Of course, public catering establishments must also comply with the provisions of the Ministerial Decree of Agriculture on food information to consumers No. 36/2014 (XII. 17.)²¹ issued in Hungary on the basis of Regulation (EU) No 1169/2011²² of the European Parliament and of the Council.

It is important to draw attention to the fact that the Ministerial Decree of Human Resources No. 37/2014 (IV. 30.) on the nutritional health requirements for public catering sets out obligations with regard to dietary catering, including food allergies and intolerances. The regulation requires, among other things, that any person requiring a special dietary meal certified by a specialist must be provided with a dietary diet by the public caterer, according to his condition. In case of food allergy and intolerance, it applies only to substances and products causing allergies or intolerances listed in Annex II to Regulation (EU) No 1169/2011 on the provision of food information to consumers. The Institution may also provide special dietary food by ordering it from another public caterer with such conditions, if the staff, material and technical conditions for the preparation of special dietary food are not provided in the Institution's kitchen or the public caterer supplying the Institution.

¹⁹ 37/2014. (IV. 30.) decree of Minister of Human Resources on nutritional health regulations for public catering
<https://net.jogtar.hu/jogszabaly?docid=a1400037.emm>

²⁰ 676/2020. (XII. 28.) Government Decree on the specific rules of procedures applicable to public procurement related to public catering
<https://net.jogtar.hu/jogszabaly?docid=a2000676.kor>

²¹ 36/2014. (XII. 17.) decree of Minister of Agriculture on food information
<https://net.jogtar.hu/jogszabaly?docid=a1400036.fm>

²² Regulation 1169/2011/EU of the European Parliament and of the Council on food information for consumers
<https://eur-lex.europa.eu/legal-content/HU/TXT/PDF/?uri=CELEX:32011R1169>



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For the purposes of this Regulation

- special diet: a diet consisting of foods which, because of their special composition or the particular manufacturing process used, meet the special dietary needs of consumers whose particular state of health requires them to consume certain substances in controlled quantities,
- specialist: a) specialist in endocrinology and metabolic diseases with postgraduate qualification, b) a specialist with a basic qualification in gastroenterology, c) specialist licensed as a specialist in diabetology, d) a specialist with an additional qualification in allergology and clinical immunology.

In the present study, one large and one small public catering company and a professional organisation including public catering companies were interviewed about their activities related to allergens and intolerances.

It was generally found that the companies providing public catering services are aware of and apply the mandatory labelling requirement for substances causing allergies or intolerances listed in Annex II of Regulation (EU) No 1169/2011, given that this obligation is also clearly reflected in the Ministerial Decree of Human Resources No. 37/2014 (30.4.) on the nutritional health requirements for catering.

The fulfilment of this obligation is not a problem for public catering companies, as the professional who prepares the menus, usually a dietician or catering manager, has the necessary expertise to recognise the substances that cause allergies or intolerances that are intentionally added to the diets he or she prepares, using known recipes, and to display them on the public catering menu. Under the relevant legislation, the public caterer must also provide the amount of the main nutrients in the food provided. The calculation of nutrients is based on recipes, usually using specially developed nutrient calculation software. This software contains not only a nutrient database but also an allergen database, so using it is an additional assurance that the public catering menu will contain the allergens and intolerances that have been deliberately added. Depending on the number of times a meal is provided to the consumers, pre-packaged food, or a certain proportion of it, may be offered. The relevant indication can be found on the product's label, or in the accompanying documents provided by the supplier, so that it can be displayed on the public catering menu. At the same time, interviewees also pointed out that they can only prepare mandatory labelling well if they have reliable and accurate information on the raw materials, they purchase from food business operators.



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If there is no direct link between the supplier and the public caterer, it is more difficult to monitor changes in the composition of the food and thus to produce accurate labelling.

As a good practice, some larger companies collect raw material composition data in an electronic database, which is also available to their supply partners, so that they can also record the necessary information here. Suppliers are also selected and contracted on the basis of whether the company provides all the necessary information (product specification, manufacturer's declaration) to the public catering company to meet its labelling obligations or to meet the needs of the dietary food service.

Most often, the manager of the cooking kitchen is responsible for checking allergen labelling. In this respect, internal training is organised by the business, the qualified employee provides training for new entrants, and external service providers are not typically used.

The most appropriate tool for displaying the mandatory elements is the menu, which must be displayed at the place of catering for information purposes.

In addition, the institution (educational, health, social, or workplace) that provides the meals to the consumers must also indicate on its website the menu, including the substances causing allergies or intolerances. More modern devices (e.g., QR, other digital solutions) are not common, given that the display of a printed menu at the point of public catering is mandatory. However, recognising that younger people regularly use digital devices, this is an area where there is area for improvement, but most catering establishments are not financially able to do so.

In this area, both operators and the market surveillance authority (public health authority) have indicated that Community and national legislation on public catering and food labelling are not fully consistent. Community legislation and national regulations require the provision of information to the consumer on substances causing allergies or intolerances in relation to individual foodstuffs, including public catering, while the Ministerial Decree of Human Resources No 37/2014 (30.4.) on the nutritional health requirements for public catering (i.e., breakfast, ten-hour meal, lunch, snack, dinner) makes this mandatory for meal as a whole.



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This means that in multi-item meals, especially lunch, which may consist of soup, main course and dessert, the consumer's chances are reduced because e.g. only one of the items in the meal may contain an allergen or intolerance causing ingredient, consumer could eat the other elements of the meal without any health risk. If, instead of the meal, the allergenic ingredients of the food were to be made compulsory, public catering establishments would also be able to provide adequate special dietary meals more easily and certainly under more favourable financial conditions.²³

Market surveillance control tasks concerning the mandatory labelling of substances causing allergies or intolerances intentionally added to or inherently present in food are the responsibility of the public health authority, as explained in the Chapter 5.1.2. on the tasks and experiences of the authority.

The regulation also sets out additional obligations for public caterers, including the provision of special dietary meals to the consumers, either by providing them in their own kitchens or by subcontracting the supply.

If they undertake to provide their own dietary catering, including for allergies and intolerances, they are taking on a major task. In this case, on the basis of the certificates issued by the medical specialists, as published in the Ministerial Decree of Human Resources No 37/2014 (IV. 30.) on the nutritional health requirements for public catering, they must provide a wide range of dietary choices that are essential to maintain the health of the consumer and to keep his/her illness under control.

The consensus among interviewees is that the number of people requesting special dietary meals is increasing every year, and that this obligation is the biggest challenge and difficulty for them. The most frequently requested special dietary choices are gluten-free, lactose-free and for people with carbohydrate metabolism disorders (diabetes, insulin resistance). But allergy against peanuts, fish, soya and fructose are also common and should be avoided. When only one food ingredient is actually problematic for the person, this is not really a problem for the dietetic experts. The real challenge is when a person needs to exclude several ingredients from their diet and a public catering business needs to serve many of them.

²³According to information received from the Public Health Authority, the legislator has already been informed of this discrepancy, but there is no information yet on when the national legislation will be amended.



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Some public catering companies may also have specific allergen diagnoses e.g., citrus, tomatoes, pulses (in addition to soya) linked to certain specialists. The need for a preservative-free diet is very common on the basis of a medical diagnosis. The problem is that different sectors do not use the same definition. It is also difficult to ensure an appropriate diet in cases where the diagnosis is not sufficiently precise, for example if it states an allergy to oilseeds but does not specify whether it is nuts, peanuts, sunflower, poppy or other oilseed(s). This is a major challenge not only for smaller companies producing 500-1500 portions, but also for larger companies producing thousands of portions every day, both in terms of compliance with nutritional standards, variety and, of course, financial implications. As stated in the relevant regulation, "In the composition of the special diet, the requirements concerning the diversity index and the foods and food groups to be provided daily shall be observed according to the condition of the person requiring the diet and the type of diet applicable to him."

Due to the special structure in Hungary and the public procurement obligation of the institutions requiring the service, public catering companies have a limited and rather tight financial framework at their disposal to provide a service that meets the requirements of a traditional diet, but they have difficulties in obtaining the necessary raw materials and technologies for special diets, even those without several ingredients.

Although companies are aware of the need to apply good hygiene practices in dietetic food preparation, which is supported by the Good Hygiene Practice Guide for Catering, the first edition of which was published in 2013 and the revised version in 2018 prepared by National Food-Chain Safety Office, but unfortunately it contains little specific information on dietetic catering. A useful guide on special dietetic catering has been produced by the National Institute of Pharmacy and Nutrition, and regular training courses for public caterers are also organised with the involvement of the relevant professional body, although these trainings focus more on nutritional health issues and less on allergen management.

There are two fundamental issues in special dietary catering, the appropriate use of ingredients and the appropriate technology, including prevention of cross-contamination. Public catering companies have raised the legal regulatory issue of cross-contamination labelling, i.e. the uncertainty that in many cases voluntary labelling of possible cross-contamination creates for consumers and users alike. It should be noted that this is not only a problem for special dietary service, but also for mandatory allergen labelling. What should a public caterer do if a pre-packaged food he wants to use for breakfast (or any other meal) is labelled as containing traces of an allergen or an ingredient causes intolerance?



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The reason for this labelling is that the food business operator is unsure that he can prevent cross-contamination with the allergen. Should the caterer take this into account in their own allergen labelling or in providing a free-from choice of food or not?

In general, there is quite a lot of uncertainty about cross-contamination in a significant proportion of public catering businesses. The issue was also raised that only gluten, lactose and sulphur dioxide have limits in the context of the definition of exemption, while there are no limits for other allergens. Businesses would find it useful to set limits for all allergens so that cross-contamination claims could be made with certainty.

Some public caterers prepare their own special dietary meals, but there are only a minority of businesses that have a dedicated space/room/kitchen for preparing these meals.

The storage of free-from ingredients can be managed by companies, the preparation of free-from food is separated in space (but not usually in a separate room) and time, different tools are used e.g. colour coding, clearly visible labels, different types of containers to distinguish different types of food from special food. In the past, there was a demand for the creation of a large, even nationwide, free public catering kitchen, but this did not materialise.

Interviewees also raised the issue of the lack of skilled human resources. In accordance with the relevant regulation in the case of dietetic catering, only a qualified dietitian can plan special diets and dietetic menus. The public caterer must ensure that the preparation of the dietetic food is either a) carried out by a person qualified as a dietetic chef or b) supervised by a qualified dietician. The training of dietetic chefs could be done in the framework of the National Training Register (OKJ), the basic prerequisite for the qualification of dietetic chef was the existence of a cook's degree and 2 years of professional experience.

At present, there is no state-funded training for dietetic chefs in Hungary, so there is no supply of new chefs. Fortunately, there are several places in the country where dietitian training at bachelor level is provided, and the graduates are familiar with the general requirements of the food service industry and also public catering, modern food preparation technologies and the procedures and applications of dietetic cooking technology.



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There is a much greater need for training and education in relation to dietetic catering than in the case of mandatory labelling requirements. Larger companies may be able to manage this within their own business, but smaller companies, depending on their financial means, would also use external training if available.

Overall, it can be concluded that catering businesses, depending on their size, operate well-developed allergen management systems, although they have some difficulties, but no major problems related to allergies or intolerances have been reported. They also stressed that it would be worthwhile to draw attention to the responsibility of the recipients, for example to ensure that only those who might be at risk of health problems should be entitled to dietary meals. It would also be worthwhile to make the medical specialists concerned aware of their responsibility.

From the interviews, it seems that public catering companies are looking for more help with special dietary catering, in the form of guides and practical training.

20.3. Professional and civil organizations

20.3.1. National Association for the Representation of the Interests of People with Celiac Disease (hereinafter referred to as the Association)

The Association represents the interests of sensitive consumers. It is mainly concerned with professional issues related to the production and marketing of gluten-free products, in cooperation with companies producing gluten-free products and companies providing gluten-free products. They provide information sessions in schools and at events.

In the Association's experience, information is provided in the case of pre-packaged food. The authorities occasionally check the gluten-free products, but in many cases, they object because of the mycotoxin content. There are shortcomings in catering and catering services. There is a lack of money for food of normal quality and in many cases, there is a lack of qualified staff to prepare the food. In catering, staff turnover is so frequent that training on the basic rules of dietetic cooking should be provided on a weekly or monthly basis. Students in vocational schools hear very little about these issues. In most cases, the compulsory information is displayed on menus, allowing a sensitive consumer to make a choice. However, at company events or for delivery, the information is often very poorly communicated.



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When the mandatory information was introduced, there was a lot of information and training on allergen labelling as part of the campaign. In recent years, unfortunately, there have been no such events, and generations are growing up who have no knowledge of the subject.

A serious problem is that gluten-free products are more expensive than comparable products. One of the main problems in the HoReCa sector is that there are no resources for the necessary developments and no time to really get into the business.

Unfortunately, in many cases consumers gather information from social media and do not rely on the opinion of credible, trained professionals. This also leads to consumers exaggerating their expectations of the restaurateur, and staff failing to address consumer needs. Consumers should be provided with continuous information at national level. The Association has a monthly magazine which provides information on current issues.

The Association tries to attract people and media attention by organising gluten-free food competitions. In 2022 there was a gluten-free bread competition, in 2023 a biscuit competition, in 2024 will be a pasta competition.

The Association has produced a briefing for restaurants as part of an EU project. In our information booklet, they summarised what to look out for when preparing gluten-free food, what to look out for even in normal restaurant settings.

The Association can offer restaurant-specific advice on everything from storage to serving gluten-free food.

At Covid, the industry has learned that it is possible to consult and agree online. An online platform where legislation, guidelines, good practices and training are available to stakeholders and interested parties is therefore also needed.

There are numerous good international practices on what are the minimum requirements that can provide maximum safety to avoid cross-contamination. A training system should be developed based on these systems.



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20.3.2. National Association of Hungarian Dietitians (hereinafter: MDOSZ)

The members of MDOSZ work in the health care, catering and food industry in product development and provide nutritional advice. In addition, the prevention field is important in education, food industry, sports nutrition. In the catering sector, their tasks include diet planning, menu design, recipe development, public communication. They are in constant communication with consumers. Consumers also include journalists as a priority target group.

In practice in Hungary, the allergens and intolerance-inducing components associated with cereals and milk are the most common, as well as soy and eggs, with a little peanut, but other allergens are less common. One difficulty with allergens is that 100% allergen-free status can very rarely be guaranteed. For packaged products, manufacturers have an obligation to provide allergen labelling. However, cross-contamination labelling is often used to protect manufacturers: e.g., may contain traces of egg, made in a processing plant with eggs and similar additional phrases.

For this reason, it is difficult to introduce the use of allergen-free foods on a menu. Therefore, it would be very, very good if food manufacturers would make a clear statement about what allergens may be present in the product due to cross-contamination.

In many cases, we see that public caterers do not differentiate when it comes to menu planning: for example, a patient with a dairy intolerance can be served a dairy-free menu because it is much easier to produce one type of menu. A lactose intolerant patient could, for example, eat a fermented dairy product, and thus be much better able to ensure, for example, calcium intake.

Some food distributors even try to offer these allergen-free products separately, and these are usually called healthy or healthy diet products. MDOSZ has worked with food chains to make it easier for allergy sufferers to navigate grocery stores.

The situation is worse in the catering sector, where very few restaurants or restaurant chains cater for people with allergies. The menus already list allergens, and you can ask the waiters what allergens are present. But it's not easy for a consumer with food allergies, an insulin resistant person or an overweight or diabetic person.

The dissemination of good manufacturing or hygiene practices should be better promoted to facilitate the application of the legislation. Education on the production of dietetic food should be strengthened. There is a shortage of staff in the catering sector, a high proportion of unskilled workers and difficulties in providing adequate training.



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There are also difficulties in obtaining ingredients that can be safely incorporated into food preparation. In many cases they are more expensive, and it is not certain that the caterer can pass on the price difference to the consumer.

On the consumer side, the lack of information is clearly a problem. I think the really big help for the consumer would be to have clear information on the presence of allergens. The legislation on cross-contamination should be clarified.

In Hungary, there are fundamental problems with the education of healthy nutrition. It is highly variable what and who teaches children in individual schools and kindergartens about food and nutrition. It would be very good if basic nutritional information and knowledge of food, formulated in a way that children could understand, were included in the curriculum from an early age. According to the experience of dietetic experts, the quality of information is also very variable, there are many errors in schoolbooks, or children are not provided with up-to-date nutritional information. The big dream of the professionals is to have a social campaign, including allergens, which would give general information about what our body needs, what substances are in food and how to combine them in a way that would allow us to follow a normal healthy diet.

The MDOSZ is also trying to communicate these issues to the public through its various channels (MDOSZ, Magyar Dietetikusok Országos Szövetsége, 2023), and our related materials on the children's programme. The organisation's posts on lactose intolerance have been very popular on their Facebook page. They also regularly communicate to people not to diet unnecessarily. After a thorough check-up and accordingly, consumers should follow a professional diet. They draw attention to the information on food packaging and how it can be interpreted.

The organisation also works with food companies on consumer education issues, where they help with product development.

We need more trained dietary chefs and professionals who can prepare and serve allergen-free food. It would be good if they could adopt this differentiated approach so that not everyone in the catering industry is offered an "all free" menu. With children in particular, it is a big mistake to have a child with a milk protein allergy, a child with a gluten allergy and a child with an egg allergy, and then they all get the 'all free' meal.



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It would be good if they could get support for those who undertake to feed people with allergies.

There are many good practices for producing and marketing allergen-free products. McDonald's, Aldi, Lidl, for example, where they strive for gluten-free products. At Aldi, they are individually packaged to ensure allergen-free or gluten-free products.

The MDOSZ works closely with international organisations, in particular the European Federation of the Associations of Dietitians (EFAD) and the International Confederation of Dietetic Associations (ICDA). The ICDA newsletter is published regularly, to which each country can submit its good practices. Opportunity to contact colleagues abroad. EFAD to disseminate information from WHO.

Among modern technologies, QR code solutions are very, very good to help allergy management and information.

There are also technologies that make it easier for consumers to consume allergens when they are cross-contaminated, so enzyme solutions like this for example (lactase).

One of the most common ways of providing allergen information is to display allergen information on the menu or in other prominent places. Many businesses make use of the possibility of providing information orally. In this case, it is indicated on the menu that staff (waiters, waitresses) should be contacted with these questions.

One of the biggest problems with allergen information in the HoReCa sector is the lack of qualified staff. In many cases, even qualified workers are not aware of basic concepts (gluten, milk protein sensitivity, etc.), as basic knowledge on allergen management is not included in the basic training. In the catering industry, especially in restaurants and cafés that operate seasonally, there are often unskilled workers who have not received basic training.

The representatives of professional organisations would therefore consider it very important to develop practical training programmes at various levels for the theoretical and practical staff involved in preparing and serving food. It is necessary to help raise awareness among catering professionals and the need for preparedness.

The work of businesses would be greatly assisted by the development of practical guides to help them implement allergen management: e.g., sourcing and handling of ingredients, kitchen technology, methods and tools for consumer information, etc.



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It would be good practice to use, for example, an EU standardised pictogram to identify allergens.

Experts' experience shows that most consumers do not have enough information about allergens. In many cases, affected customers with sensitivities are not well informed. It is therefore very important to start education on nutrition and allergens at pre-school and school age.

In the case of outsourced catering, to inform and assist consumers, a small card is placed in front of each dish with the allergens and the waiters should be aware of the ingredients and allergens. An increasing number of businesses are also employing a dietician at events to educate as many guests as possible about allergens.

There are already several international good practices, among which professionals have highlighted environmental awareness, which they link to conscious eating and food culture.

The role of technology is seen as particularly important: QR codes, apps, and anything else that helps to inform consumers and communicate information to catering establishments.

21. CONSEQUENCES AND SUGGESTIONS

In the vast majority of cases, the mandatory labelling of intentionally added substances causing allergies or intolerances does not pose any difficulties for catering businesses. Businesses have staff with the knowledge to carry out the mandatory labelling. In the catering sector, the communication of allergen information on menus (electronic or printed) is common, but verbal communication is also frequent. In the latter case, written documentation is sometimes missing. In specialised fine-dining restaurants, the oral communication of allergen information is adapted to the daily food creation. However, in smaller catering establishments, the obligation to provide allergen labelling is still not known and therefore not applied, and often not provided for different type of events (corporate event, corporate party, wedding, conference reception, etc.).

A serious difficulty in compulsory labelling arises when the food manufacturer of an ingredient intended to be used in the meal preparation indicates on the product label that traces of an allergen or intolerance may be present or that it has been produced in an establishment where other foods containing such ingredients are also present. In such cases, the catering business operator concerned is uncertain to what extent he should take this information into account when drawing up the compulsory labelling of his product.



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This problem is particularly acute in the catering sector and, although it is linked to the labelling obligation, it is "more serious" when the operator wishes to offer his customers a choice free of an allergen or intolerance.

A major challenge for catering businesses is to ensure that products are free of an ingredient that causes allergies or intolerances (hereafter "free products"). This is a particular difficulty in the public catering sector, where specific national legislation requires caterers to provide special dietary food for certain people with medically diagnosed conditions. This can mean excluding more than one ingredient at a time when putting together a menu, and it also requires a suitable kitchen and restaurant environment. In this case, both the raw materials and the technologies to be used require a well-trained professional, in accordance with the relevant legislation. The prevention and management of cross-contamination, both potentially present in the raw material and during the preparation of the food, requires considerable expertise.

Industry, public authorities and businesses alike would find it useful to set limits for all allergens, on the basis of which cross-contamination claims could be made with certainty.

Representatives of the HoReCa sector, regardless of size and activity, said that it would be a great help to them if more educational programmes were available. The work of businesses would be greatly assisted if practical guides were developed to help them implement allergen management: e.g., sourcing and handling of raw materials, kitchen technology, methods and tools for consumer information, diagrams and summaries of good practices in hygiene and allergen management.

Both business operators and the market surveillance authority (public health authority) have indicated that Community and national legislation on public catering and food labelling is not fully consistent. The Public Health Authority proposes an amendment to the Public Catering Regulation to indicate allergens per food, instead of the current labelling per meal. If it were mandatory to indicate the allergenic ingredients of the food instead of the meal, it would be easier and certainly more financially advantageous for mass caterers to provide adequate dietary meals.

Public health authorities also consider it very important that food preparation and service staff have sufficient knowledge about allergens, so it may be appropriate to develop a guide for them.

With the involvement of industry stakeholders, there is also a need to develop good practice guidelines for food preparation to help avoid cross-contamination.



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The use of more modern tools in public catering (e.g., QR, other digital solutions) is not common, given the mandatory display of printed menus at the point of catering. However, recognising that younger people regularly use digital devices, there is scope for improvement in this area, but most catering establishments are not financially able to do so. At the same time, digital solutions for consumer information, including mandatory allergen labelling, are increasingly common in commercial catering.

22.SUMMARY

The research seeks answers to the question of the theoretical and practical knowledge of businesses in the HoReCa sector and the gaps in the mandatory labelling of substances intentionally added as ingredients to foodstuffs to cause allergies and intolerances. The survey explored the situation of allergen management from the perspective of all stakeholders - businesses, professional organisations, legislators/authorities, nutrition professionals and consumers - through in-depth interviews with targeted questions. Researchers (academics) with expertise in the field as well as external experts were involved in the drafting of the in-depth interview questions and the interviews.

The survey included 27 in-depth interviews, of which 15 were with commercial caterers, 2 with catering businesses, 6 with various professional organisations, 1 with consumer representatives and 3 with competent authorities.

The results show that most catering establishments have no difficulty in providing mandatory information on allergenic ingredients. The majority of businesses opt for written information on the menu. The experience of the authorities shows that micro-businesses are more likely to be unaware of the rules on mandatory allergen information.

Providing allergen-free food to sensitive consumers in mass catering is a major challenge. The lack of legislation on cross-contamination makes it difficult to source safe -allergen free – raw materials.

Industry stakeholders, authorities and businesses alike would benefit from the setting of limits for all allergens, against which cross-contamination claims could be made with certainty. Representatives of the HoReCa sector, regardless of size and activity, said that it would be of great help to them if more educational programmes were available. In addition to the analysis of the in-depth interviews, publications and documents published by public authorities and professional organisations on allergen management were collected. Some of these provide guidance to catering and hospitality workers on the proper application of good hygiene practices and allergen labelling methods.



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Several publications provide consumers with useful information on the preparation of allergen-free foods and the nutritional value of foods.

In the commercial catering sector, digital solutions for consumer information, including mandatory allergen labelling, are increasingly common. Several good practices have been collected.



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BEST PRACTICES IN THE HORECA SECTOR IN TURKEY

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23. MATERIAL AND METHOD

Best practices related to food allergy and intolerance was examined for HoReCa sector two sided. First the useful practices of the HoReCa sector for the food allergy suffered populations and clients. Secondly useful practices of organizations and foundations to support HoReCa sector to manage food allergies. Examination of best practices of HoReCa sector has been conducted by steps listed below

Searching existing guidelines on food allergy, released by HoReCa companies
Searching conducted or ongoing social responsibility corporate projects on food allergy of HoReCa companies
Searching in-service trainings on food allergy of HoReCa companies
Searching informative web site contents/articles of HoReCa companies related to food allergy
Searching volunteer implications related to food allergy in food services of HoReCa companies



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Examination of best practices of organizations related to Allergy, Food and Health

Searching guidelines of Ministry of Health and Ministry of Forestry and Water Affairs, Turkey related food allergy for HoReCa companies

Searching guidelines of Ministry of Health and Ministry of Forestry and Water Affairs, Turkey related food allergy for suffered population

Searching guidelines related to food allergy released by food and health organisations (e.g. Turkish National Society of Allergy and Clinical Immunology)

Examination of best practices of HoReCa sector based on interview data.

Practices and implications related to food allergies of different HoReCa companies such as, hotels, restaurants, café, cafeterias and catering has questioned through interview questionnaire. Responds to food allergy related applications in companies reviewed and best practice implications were extracted.

Literature search has been conducted by using key words “food allergy, HoReCa, knowledge, awareness, attitudes, practices, implications” for scientific studies on this topic.

Scientific researches investigating the knowledge, awareness and attitudes of HoReCa sector related to food allergy management is important. These scientific studies which examines the present status about food allergy knowledge and awareness of the HoReCa sector can be suggested as a best practice of academy pillar. Academic studies can also support to increase the awareness of the HoReCa sector how and why food allergy is important.



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24.RESULTS

24.1. Guidelines

24.1.1. Allergen guidance for food businesses Last updated 14 June 2022 in English, Turkish version belongs to 2015

Guidance for food businesses on providing allergen information and best practice for handling allergens. Food business operators in the retail and catering sector are required to provide allergen information and follow labelling rules as set out in food law. This means that food business operators must: provide allergen information to the consumer for both prepacked and non-prepacked food and drink handle and manage food allergens effectively in food preparation. Food businesses must make sure that staff receive training on allergens. Staff and managers can complete and share our free food allergy training allergen checklist for tips on food allergy best-practice.



3. Figure Allergen guidance for food businesses

24.1.2. Turkish National Society of Allergy and Clinical Immunology – Food Allergy Guidelines Pocket Guide 2018

This guideline describes food allergy reactions and food allergy diagnosis algorithm simply with a lay audience language. This guideline would be useful as an educational material for HoReCa industry as a short, simple and scientific content.



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25. PROJECTS

25.1. Education based projects

25.1.1. “Be Aware of Allergy Project” (Alerjinin Farkına Var Projesi) 2023

In the cooperation with Ankara Provincial Health Directorate, Ankara Provincial Education Directorate and Turkish National Society of Allergy and Clinical Immunology Be Aware of Allergy Project started on June 2023. In the scope of the project, health professional assigned by Ankara Provincial Health Directorate and Turkish National Society of Allergy and Clinical Immunology started training programme with the education of headmaster, vice chair of headmaster and teachers of preschool and primary school. (AID, Türkiye Ulusal Allerji, 2023)

The screenshot shows the website of the Turkish National Society of Allergy and Clinical Immunology (AID). The main heading is 'Alerjinin Farkına Var'. Below it is a group photo of project members. A news article below the photo states: 'Ankara İl Sağlık Müdürlüğü, Ankara İl Millî Eğitim Müdürlüğü ve Türkiye Ulusal Allerji ve Klinik İmmünoloji derneği arasında "Alerjinin Farkına Var" proje protokolü imzalandı. Okullarda alerjik hastalıkları konusundaki farkındalığı artırmayı amaçlayan projenin protokolünü, İl Sağlık Müdürü Uzm. Dr. Ali Niyazi Kurtcebe, Ankara İl Millî Eğitim Müdürü Sn. Harun Fatsa ve Türkiye Ulusal Allerji ve Klinik İmmünoloji Derneği Başkanı adına Prof. Dr. Emine Dibeek Mısırlıoğlu imzaladı. Ankara ilinde bulunan okul öncesi eğitim kurumları ve ilköğretim okullarında alerjik hastalıklar (astım, besin alerjisi, anafilaksi) konusunda farkındalık ve bilgi düzeyinin artırılması hedeflenmektedir. Eğitimler yakın zamanda başlayacaktır.'

The sidebar on the right contains a search bar, a 'Duyurular' (News) section with several announcements, and a 'Merak Ettikleriniz' (What you are interested in) section with two items: 'KEDI ALERJİSİ İÇİN AKILLI MAMALAR UMUT OLABİLİR Mİ?' and 'UZUN SÜRELİ COVID (LONG COVID) KADINLARDA İKİ KAT DAHA FAZLA GÖRÜLÜYOR'.

4. Figure “Be Aware of Allergy Project”

Source: (AID, Türkiye Ulusal Allerji, 2023)



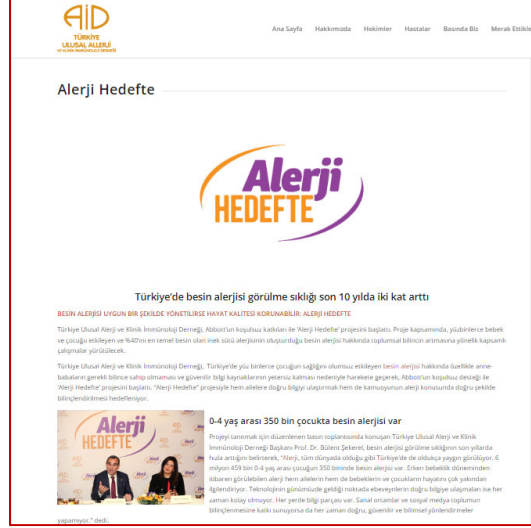
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25.1.2. “Allergy on the Target Project” (Alerji Hedefte Projesi) 2017

In the cooperation with Turkish National Society of Allergy and Clinical Immunology and Abbot company, Allergy on the Target Project started to increase the awareness of parents and public about milk allergy and provide correct information about food allergy. (AID, Türkiye Ulusal Allerji, 2023)



5. Figure “Allergy on the Target Project”

Source: (AID, Türkiye Ulusal Allerji, 2023)

25.1.3. “I am aware” project (Farkındayım Projesi), 2015

Cooperate and as a social responsibility project of the company TAT in collaboration with Istanbul Technical University Department of Food Engineering faculty staff Prof. Dilek Boyacıoğlu aimed to increase the awareness of especially housewife and adults about food safety. In cooperation with municipalities besides of housewives many employees from different companies also participated to face to face educations of the project. Project has an education material of 58 paper. In the scope of food safety, project also draws attention to the food allergies and food labels. Project emphasize the importance of reading food labels by consumer who are suffered from food allergies. (Gıda2000, 2015)



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6. Figure “I am aware” project

Source: (Gıda2000, 2015)

25.2. Allergen Free Foods projects

25.2.1. “Cook healthy foods for allergic children” (Alerjik çocuklarımıza sağlıklı yemekler yapalım) 2019

In the cooperation of Academy of Pediatric Allergy and Asthma CAAAD and Turkish National Society of Allergy and Clinical Immunology made a call for mothers of allergic children to cook healthy and nutritious receipts free from allergens. These receipts were also gathered, and a “Allergy Friendly Receipts” book has developed. (NTV, 2019)



7. Figure “Cook healthy foods for allergic children” Source: (NTV, 2019)

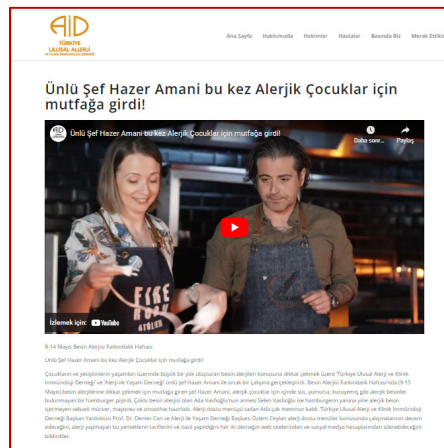


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25.2.2. Food Allergy Awareness Week Activity 8-14 May 2022

In cooperation with The Turkish National Society of Allergy and Clinical Immunology popular chef Hazer Amani cooked for allergic children. Chef Hazer Amani cooked a hamburger free from allergic foods such as milk, egg, nuts. Mother of an allergic girl, Mrs. Selen Vasfioğlu worked with chef and cooked side dishes such as allergen free vegetable petty, smoothie and mayonnaise. Allergic daughter of the mother Selen tasted the foods, and she liked all these allergen free receipts. Allergen free receipts of the popular chef has been disseminated via official website or the society and social media accounts of society. (AID, Türkiye Ulusal Allerji, 2023)



8. Figure When famous Turkish Chef Hazer Amani entered the kitchen for Allergic Children

Source: (AID, Türkiye Ulusal Allerji, 2023)

25.3. E-learning Educations on Food Allergy for HoReCa

Chartered Trading Standards Institute (CTSI) has developed an e-learning module titled as “Food Allergy Awareness Education” (Gıda Alerjisi Farkındalığı Eğitimi) with the aim to provide information to HoReCa sector about food allergy and food intolerance in addition legal responsibilities of HoReCa for food allergy. This education is available on youtube and Turkish voice over is also available. This e-learning module is a 1 hour 32 minutes training. (Chartered Trading Standards Institute, 2021)



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9. Figure “Food Allergy Awareness Education”

Source: (Chartered Trading Standards Institute, 2021)

25.4. Menus

Chef Yalova Café, one of the companies which has been interviewed has a very good best practice. Chef Yalova café has a menu description that describes which food includes which allergen of total 14 allergen food components. This menu is very useful for employees regarding communicate with customers about food allergy and also customers for consuming safely.



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ETDTFA – Education and Training Development for the Treatment of Food Allergies

YEMEKLER İSİMLERİ	ACI BAKLA	DENİZ ÜRÜNÜ	GLUTEN	HARDAL	KABUKLU DENİZ ÜR.	KEREVİZ	KÜKÜRT SÜLFÜRİK	KABUKLU MEYVELER	SOYA FASİĞİ YF	SUSAM	SÜT İRİCİNİ	YER FISTIĞI	YUMURTA	YUMUŞA KÇALAR
ANADOLU KÖY KAHVALTISI			✓								✓		✓	
SERPME KAHVALTI			✓				✓	✓			✓	✓	✓	
KAHVALTI TABAĞI			✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	
PANCAKE KAHVALTI			✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	
POŞE YUMURTA AVACADOLU			✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	
POŞE YUMURTA DOMATESLİ			✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	
HAMUR İŞİ			✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	
Çİ BÖREK			✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	
SU BÖREĞİ			✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	
MENEMEN											✓		✓	
KUYMAK											✓		✓	
SAHANDA YUMURTA											✓		✓	
SUCUKLU YUMURTA											✓		✓	
KAVURMALI YUMURTA											✓		✓	
BEYAZ PEYNİRLİ OMLET			✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	
KAŞAR PEYNİRLİ OMLET			✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	
KARIŞIK OMLET			✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	
SEBZELİ OMLET			✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	
SOĞUK SANDVIÇ			✓								✓		✓	
KAVURMALI KAŞARLI TOST			✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	
BAZLAMA TOST			✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	
KEPEKLİ AKDENİZ TOST			✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	
KAŞARLI TOST			✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	
KARIŞIK TOST			✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	
GÖZLEME			✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	
PATATES KIZARTMASI			✓	✓		✓	✓	✓	✓	✓		✓		
ACILI TAVUK KANATLARI			✓	✓		✓	✓	✓	✓	✓		✓		
TAVUK WRAP			✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	
KÖFTE WRAP			✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	
ETLİ WRAP			✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	
COMBO WRAP			✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	

10. Figure Menu description of Chef Yalova Café



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25.5. Digital implications

APlus Catering Company of Acıbadem Hospitals one of the organizations which has been interviewed has a pilot study to use a QR Code which can help to input food allergy / intolerance background information of the patient/individuals who get food service from any cafeteria, restaurant or café of the hospital. This QR code implications would target zero error for patients or consumers who has food allergy.

25.6. Scientific Research about Food Allergy and Food Services/ HoReCa

Scientific research about knowledge, awareness and attitudes in food services related to food allergy play key role to have an understanding for existing status and presents evidence-based data to develop legal or volunteer strategies to manage food allergy in HoReCa sector for both companies and customers. Knowledge, awareness and attitudes researches are existing but limited. There is a need for national research focusing on food allergy related knowledge, awareness and implications of different HoReCa companies. The data collected from HoReCA with interviews through WP2 of present project also provide data to publish scientific research in this area. There are some national research articles are presented below.



11. Figure Sample article of national research concerning the practice of HoReCa companies

Source: International Journal of Gastronomy and Food Science



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12. Figure Sample article of national research concerning the practice of HoReCa companies

Source: Journal of Gastronomy, Hospitality and Travel



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26. EXPERIENCES OF THE INTERVIEWS

26.1. Background

26.1.1. Interviews were conducted with 17 HoReCa + 1 Civil Organization + 2 Legal Authorities and with a total of 20 organizations. List of the interview l is presented below

No	Sector	Name of the organisation
1	HORECa	Aplus Hospital and Hotel Management Services - İstanbul
2	HORECa	Sardunya Catering-İstanbul
3	HORECa	Rafinera Catering -İstanbul
4	HORECa	Akçe Yemek Catering-İstanbul
5	HORECa	Güven Tabldot Catering -İstanbul
6	HORECa	Bizim MutfakRestaurant- İstanbul
7	HORECa	Polat Rönesans Bosphorus Otel İstanbul
8	HORECa	Puga Coffee
9	HORECa	Pan Kitapevi Kafe, Coffee -İzmir
10	HORECa	Tasigo Otel- Eskişehir
11	HORECa	Istanbul Technical University - University Kitchen Food Services
12	HORECa	Rixos Premium Belek Otel - Antalya
13	HORECa	Buddy Bistro&Cafe
14	HORECa	Chef Yalova Cafe
15	HORECa	Max Royal Otel Kemer - Antalya
16	HORECa	Swiss Otel Bosphorus - İstanbul
17	HORECa	Darıca Farabi Education and Research Hospital
18	Civil Organisation	Food Allergy Association Turkey
19	Legal Authorities	Ministry of Agriculture and Forestry, Turkey
20	Legal Authorities	Ministry of Health, Health Services General Directorate, Turkey

4. Table List of interviews

Source: own research



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ETDTFA – Education and Training Development for the Treatment of Food Allergies

Interview questionnaires were applied face to face or via zoom or via e-mail. All of the organizations participated the interviews were interested with the topic of the project and excited for being a part of it. However, the participants were interested and excited they had difficulties to response a few questions especially which are related to legal regulations. The reason may be due to the lack of knowledge about legal regulations on food allergy. This may be arisen from the lack of in-service trainings of HoReCa employees about food allergy regulations. Additionally, these interviews have raised an awareness about food allergy related legal regulations and enabled institutions to review their own food allergy related practices as well.

26.1.2. Examination of the interview data

HoReCa and communal feeding	Examination of The Responses
1 What special dietary needs and expectations regarding allergens have appeared in your clientele?	Gluten free lactose free Nuts/peanuts free
2 What challenges and new tasks did you have to face due to the new EU's and member state regulations?	Awaraness is low, not aware of Turkish regulations are based on EU legislations Secondly, the challenge is cost. Compaines can not serve allergen free dishes because of the cost
3 What kind of hardships has compliance with the EU's and member states' regulations been causing? (ingredients, equipment, workforce, etc.)	Equipment Workforce Ingredients are concerns respectively Due to less frequent consumption of allergen free foods/ purchasing, storage and so food safety are considered as challenges
4 What kind of internal regulations have you developed regarding allergens and informing the consumers?	Mostly allergen content of dishes are expressed on tne menus (its also mandatory) 7 of HoReCa provides allergen informationm with menus 3 of HoReCA provides allergen information with posters



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5	<p>What kind of educational programs do you participate in about this topic? Do you have your own educational practices?</p>	<p>7 of HoReCa representatives stated that they have not been participated any education</p> <p>1 of the HoReCa participants stated that his company follows national legislations</p> <p>9 of the HoReCa participants stated that they have participated education programmes but mostly on food safety and mostly as an orientation programme in the beginning of the business</p> <p>Eductions are not soleyl about food allergy, intolerance and not sustainable mostly at once</p>
6	<p>How difficult is it to comply with the regulations? What causes hardship in applying the regulations?</p>	<p>Most of them stated that they have not experienced any challenges so far</p> <p>1 of HoReCa participant stated about physical possibilities as a challenge</p> <p>3 of HoReCa participants stated about employee education as a challenge especially because of staff cycle during the COVID-19 pandemic</p>
7	<p>What kind of allergen-free meals do you provide occasionally or regularly?</p>	<p>3 of them is not providing</p> <p>4 of them depends on customer demands</p> <p>1 of them glüten, nuts and milk free</p> <p>1 of them glüten, peanut, strawberry, tomatoes, sea foods</p> <p>2 of them stated they serve vegan/vegetarian options as glüten free options at the same time</p>
8	<p>Do you have a separate menu for consumers with food allergies or do you serve your regular dishes without allergens?</p>	<p>None of them have a separate menü</p> <p>They commonly serve regular dishes without allergens</p>



9	What kind of arrangements do you have regarding ingredient supplying, storing, kitchen processes and serving the consumers to avoid allergen pollution?	Separate storage Separate processing & cooking
10	Who monitors compliance with the regulations about handling allergens?	Food engineers Hygiene department Quality department Kitchen Chef Dietitians
11	In what ways do you inform your customers about the allergens in foods?	Inform customers mostly depends on customer requests Banners and posters are also used for to inform customers
12	Do you have an appointed leader or employee, who is responsible for allergy management tasks?	Food engineers mostly Kitchen Chef Hygiene department Quality department
13	Do you receive/request feedback from the guests on their satisfaction with allergen handling?	8 of HoReCA participants do not request any feedback
14	Have you ever received complaints about the dishes you served regarding allergen content? If you had, what was it about and how did you handle it?	1 of has had complaints about walnut 1 of has had requests for glüten-free breads
15	Have you ever received complaints about the dishes you served regarding allergen information? If you had, what was it about and how did you handle it?	2 of have had request for statement of allergens for open buffet and did
16	Are you planning any changes in the future regarding allergen handling? If you are, what areas do you plan to change?	2 of would like to serve glüten free options regarding sufficient physical conditions and workforce
17	Have you considered training your employees and leaders specifically about allergen management?	All of them stated that they educate their employees but this educations are not focusing food allergy basically focusing on food safety and basically as an orientation education



18	If such training existed, who should have the opportunity to participate?	Kitchen, service staff and all staff who contacts with the food
19	What legal or technical changes would make serving guests with food allergies easier for you?	Educations needsv about how to apply regulations Audits need Educations since school-age childrens
20	Have you considered applying digital devices (f.e.: QR code, tablet, tracking, etc.) to inform guests with food allergies?	QR code and tablet use are already applied
21	Do you have any other comments, observations or suggestions about the topic?	Public announcement on TV Audits Educations

5. Table of interview data

Source: own research

27. CONSEQUENCES AND SUGGESTIONS

27.1. Consequences

Results show that,

1. Knowledge and awareness is low about Turkey align with the EU in allergen labelling. In order to, Turkish Food Codex Labelling and Informing Consumers Regulation and the Turkish Food Codex Nourishment and Health Declaration Regulation published updated regulatory regime for food labelling and nutrition information in Official Gazette number 29960 on 26 January 2017 to become in line with the European Union's approach.
2. Knowledge and awareness is low about The Turkish Food Codex Regulation on Food Labelling and Information to Consumers which has been forced on 26th of January 2017, on 1st of January 2020 it became mandatory to communicate the allergen information to consumer in food services as for HoReCa.



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3. Food allergy related educations for HoReCa employees is not existing, food allergy is a subtopic of food safety educations. On the other hand most of the educations in the companies are applied as an orientation education mostly once in the beginning to the business. These educations are not focused on food allergy and not sustainable.
4. To serve allergen free foods leads to increase in cost due to physical needs, workforce needs and it is a challenge for companies.
5. Most of the companies would like to serve allergen free dishes primarily gluten-free if they can manage cost, physical and workforce issues.
6. Most of the companies act on allergen free dishes in order to customer requests.
7. Mandatory communication about allergen information to consumer in participated companies is lack so these results suggest that audits are insufficient.
8. Participated HoReCa representatives would like to have more information how to apply regulations properly these results suggest they are not aware of the guideline of the ministry about application of the regulation.

27.2. Suggestions

1. It is not enough to include food allergy subject as a sub-topic of food safety trainings for HoReCa employees. There is a need to develop and provide a food allergy/intolerance education for HoReCa employees. It is also important to provide these educations sustainable.
2. Results suggest that even it is mandatory to communicate customers about allergen content of the dishes in the menu there are companies still does not apply. It shows audit of the legal authorities can be insufficient and should be improved.
3. Volunteer practices related to food allergy of HoReCa companies are suggested to be encouraged by goverments. Some tax advantages can be applied for these companies to award their activities or incentives can be provided to set up allergen free production lines of companies.
4. The public awareness about food allergy is suggested to be raised to increase the customer requests from HoReCa companies. HoReCa cares about customer requests and has to improve allergen free services.



5. Scientific studies are suggested to be encouraged the status of HoReCa related to food allergy and the status, demands of the customers suffered from food allergy. Evidence based data would help to develop strategies for both to guide HoReCa sector and the customers.

6. Three guidelines of Food Standarts Agency listed below which are not available in Turkish would provide help for HoReCa sector.

27.2.1. Allergen labelling for food manufacturers Last updated 26 January 2023

How to label allergens and avoid allergen-cross contamination when producing pre-packed food. If you produce pre-packed food, you need to follow allergen labelling requirements set out in EU Food Information for Consumers Regulation (EU FIC) ([Opens in a new window](#))

27.2.2. Allergen guidance for institutional caterers Last update 14 December 2017

When food is provided by institutions, it is their responsibility to protect the individuals in their care. For these people to be safe, pre-existing food allergies or intolerances should be made known and processes in place to ensure they can obtain safe food options. This is particularly important if the individual is unable or need help to make safe food choices for themselves.

27.2.3. Claims about gluten in food: a guide for caterers

The rules on making claims about gluten in food are changing on the 1 January 2012 and you may no longer be able to call your food ‘gluten-free’. It’s important that you train your staff who work with food so they understand the new descriptions and exactly what they mean. Your staff can then explain to customers what the foods contain and how they are made.

Besides from the guidelines, Food Standart Agency also have useful checklists such as;

1. Checklist for local authority enforcement officers to audit allergen control measures when carrying out inspections of manufacturing premises
2. Checklist for local authority enforcement officers to audit allergen control measures when carrying out inspections of catering premises
3. Suggested questions for officers to ask when auditing allergen control measures during an inspection of catering premises

To adapt these checklists into Turkish would help local authorities to have a better understanding and comparison about other food allergy control measures out of Turkey.



28. SUMMARY

Turkey is a candidate country for membership in the European Union. The main target of Turkish food and agriculture policy is to become in line with the European Union's approach.

Based on the results of interviews with HoReCa sector suggest that there is a need to raise the knowledge and awareness of the HoReCa sector regarding existing regulations and guidelines for application of the regulation related to food allergy. Audits by legal authorities for adherence to regulations are also suggested to be applied regularly for to keep companies alert for food allergy related regulations and push them to keep themselves update.

Guidelines about food allergy in a lay audience language for HoReCa sector can help employees to have an understanding about food allergy.

Turkish National Society of Allergy and Clinical Immunology as a civil organization conducts several projects with chefs and HoReCa companies to drawn attention and raise the awareness of both public and the food industry to support children and adults who are suffered from food allergy. Social responsibility and cooperate projects of HoReCa companies should be increased. Public announcement related to food allergy also increase the awareness of both public and also food, beverage industry as well as HoReCa sector.

Scientific research are suggested to be encouraged to present evidence based data to develop solutions for food allergy management of customers of HoReCa sector.

In the application of mandatory regulations e.g., communicate about food allergens in the menus are found to be lacked due to interviews. Audits are also important for mandatory regulations. These practices should not suggested to be left to initiatives of the HoReCa sector.

There is a need to develop a Food Allergy Management education programme which meets the needs of the employees, customers and legal authorities. In the scope of the ETDTFA project e-learning training programme for food allergy management for HoReCa seems to be fullfie an important gap. To develop this education as an e-learning programme would also help to keep these trainings sustainable.



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BEST PRACTICES IN THE HORECA SECTOR IN SLOVAKIA

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29. MATERIAL AND METHOD

After the study of theoretical and legal background, we define the purpose of the research in relation to the primary research, as well as the research methodology and method used during the implementation of the research.

29.1. The purpose of the research

The primary goal of our primary research is to assess among representatives of the HoReCa sector in Slovakia how they can comply with allergens, or regulations regarding their display.

In connection with the main goal, we also formulated sub-goals, which are the following in relation to the primary research:



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- Define the problems arising in connection with the indication of allergens;
- To identify the method of handling consumer comments due to the allergen content of food;
- To present the good practice of measures related to allergens from the side of HoReCa sector representatives.

29.2. Research methodology and methods

The qualitative interview is a uniquely sensitive and powerful method for familiarising the subjects' experiences drawn from their everyday world and the actual meanings of this everyday world. During the interviews, you can convey the subject's situation to others in your own words. (KVALE, 2005)

A qualitative approach may be advantageous if:

- the subject of the research is difficult to quantify;
- the context plays an essential role, and it is important to examine the phenomenon in its natural environment;
- furthermore, when it comes to capturing unique characteristics and relationships (SZOKOLSZKY, 2004)

To create a database of representatives of the HoReCa sector, we took advantage of the opportunity offered by the web interface sznat.sk, since the portal also functions as a company collection page, where we can search by category. We primarily focused on the Nitra district, and thus collected 91 potential companies to be addressed.

Considering the HoReCa sector, which is booming again after the COVID-19 pandemic, we recorded the questions of the in-depth interview online and sent them to the companies in the form of direct mail. We formulated a total of 25 questions, of which 4 questions related to the economic characteristics of the interviewed company (company headquarters, name, number of employees, year of establishment of the company). We did not make it mandatory to answer these questions, thus ensuring the anonymity of the companies participating in the primary research. The other 21 questions were aimed at assessing how representatives of the HoReCa sector in Slovakia are able to comply with allergens, or regulations regarding their display. The evaluation of the interviews was carried out on the basis of groups of questions defined according to the sub-goals related to the main goal of the research. After a long consultation, a total of 24 interviews were conducted. In the following, we describe the evaluation of each group of questions in separate subsections.



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30. EXPERIENCES OF THE INTERVIEWS

Based on the sub-goals formulated in relation to the main goal of the research, we identified three groups of questions. In the following, we will present the evaluation of the feedback received during the 24 conducted interviews along these groups of questions, so that we can more clearly point out both positive and negative experiences.

30.1. Defining the problems arising in connection with the indication of allergens

The most mentioned allergens, in relation to which customers indicate their special needs, are gluten, lactose, and according to the perception of the HoReCa sector, histamine intolerance shows an increasing trend. According to the opinion of our interviewees, indications of sensitivity to eggs, soy, and seeds occur only occasionally.



13. Figure **Frequency of allergens**

Source: own editing based on interviews



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ETDTFA – Education and Training Development for the Treatment of Food Allergies

Due to the new European Union and member state regulations (marking allergens on the menu, on the product packaging, in the case of unpackaged goods), most companies devoted resources to revising their menus, indicating the ingredients that cause allergies, and colleagues (cooks, servers) paid attention to training in this area, since in their opinion they can provide the most authentic information to customers. Based on the answers to the question, which difficulties were caused by complying with EU and member state regulations (components, equipment, labour, separate storage/warehousing, raw material processing, service, etc.), we can divide our companies into two groups. Half of the interviewed companies seriously and strictly try to comply with the regulations regarding the separate storage of allergens, while 50% of them prepare allergen-free versions of their classic menu dishes but warn the guest that cross-contamination cannot be completely avoided, since the food is cooked in the same kitchen and are made in the same place. The company's senior employees are mostly informed about the most important regulations regarding allergens and their changes from reliable sources in the online space. Compliance and enforcement of regulations is perceived as less burdensome. Since they have noticed that the proportion of people suffering from food allergies has been increasing recently, they try, even if it is sometimes financially difficult, to precisely meet and comply with the necessary legal regulations. Recovering from the downturn caused by COVID, they believe that meeting the customer's needs comes first.

Most companies regularly offer gluten- and lactose-free meals to their guests. Either such dishes are already on the menu or they can prepare their classic dishes accordingly. There are companies, however, who specifically prepare appropriate meals for family gatherings only when ordering in advance. When asked whether they can offer a special menu for guests who cannot consume allergens, 100% of the respondents answered that they do not. All companies have either included allergen-free foods in their existing range, or can make their classic range allergen-free if the customer requests it. Openness and attentiveness can therefore be experienced on the part of the representatives of the HoReCa sector, but we would still advocate for additional efforts.

To avoid allergen contamination, some restaurants buy pre-packaged gluten-free pasta and baked goods that are sealed airtight. During storage, these raw materials are placed separately on the shelf reserved for the storage of gluten-free products/raw materials.



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ETDTFA – Education and Training Development for the Treatment of Food Allergies

When preparing gluten-free and lactose-free dishes, special containers are used during the processing of the raw materials. In order to learn how to distinguish the dishes from each other, different coloured dishes are used when preparing gluten-free dishes, and lactose-free dishes and dishes containing allergens are prepared in different coloured dishes.

Within the company, compliance with the regulations regarding the handling of allergens is mostly carried out by the owner. Of course, in most cases, this was indicated in the case of small restaurant counters. The word cloud below faithfully reflects the fact that it was minimally indicated among the answers that they do not deal with this issue to any extent. In addition to the owner, the chef and the operations manager deal more prominently with the question of inspection.



14. *Figure Responsibility for control regarding compliance with the regulations for the treatment of allergens*

Source: own editing based on interviews

To the question of how consumers are informed about allergens, we received a unanimous answer from the interviewees. All interviewees must list the allergens on the menu. In addition, there were those who noted that the waiting staff can provide additional information to the guests, and they are the ones who can recommend to the consumers that the restaurant staff can prepare the food without allergens.



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30.2. A method of treatment for consumer comments due to the allergenic content of food

During the qualitative research, a total of 4 questions were included in the group of questions for handling consumer comments due to the allergen content of food. These questions are based on the feedback received from customers, the allergen content of the food served, or they concerned complaints regarding the display of related information and future changes regarding the treatment of allergens.

We think it is important to emphasise – which the interviewees also emphasised several times – that representatives of the HoReCa sector must be aware of who their target market is and, in addition to the relevant legislation and regulations, they must take this into account and emphasise the allergen content of the food, or to the related consumer comments.

The respondents strive to inform those with food allergies about the allergen content of the food in the manner provided in the legislation, but at the same time, 58% of the respondents did not ask for or did not receive feedback from their consumers regarding how satisfied they are with the inclusion of allergen-related information. This fact raises another series of questions, which can be directed to the research of the underlying causes. It is a fact that it means extra energy and costs for representatives of the HoReCa sector to comply with the relevant regulations and laws, and at the same time, the number of people with food intolerances or allergies has increased significantly in Slovakia in recent years. It should therefore be an important aspect for the representatives of the sector, if they want to maintain or possibly increase their competitiveness, to include this fact in their corporate strategy.

75% of those surveyed did not receive complaints from consumers about the allergen content of the food, or regarding the display of related information. We definitely evaluate this positively, since in addition to the fact that representatives of the HoReCa sector can expect significant fines ex officio if they do not display allergens at all or not properly, several people also noted that the extra time and energy invested in this area will pay off if the company must be judged by the customer from a trust point of view. Of course, it happened that an allergen was accidentally omitted from a food, but such cases would lead to a significant loss of trust in the long term, which would mean a decrease in turnover and a more difficult economic situation for the company. In their opinion, a serious company cannot afford to present anything other than reality. Here we would like to note that several people - especially businesses with a lower number of employees - noted that they cannot ensure the operation of the quality assurance system in addition to the mandatory ones.



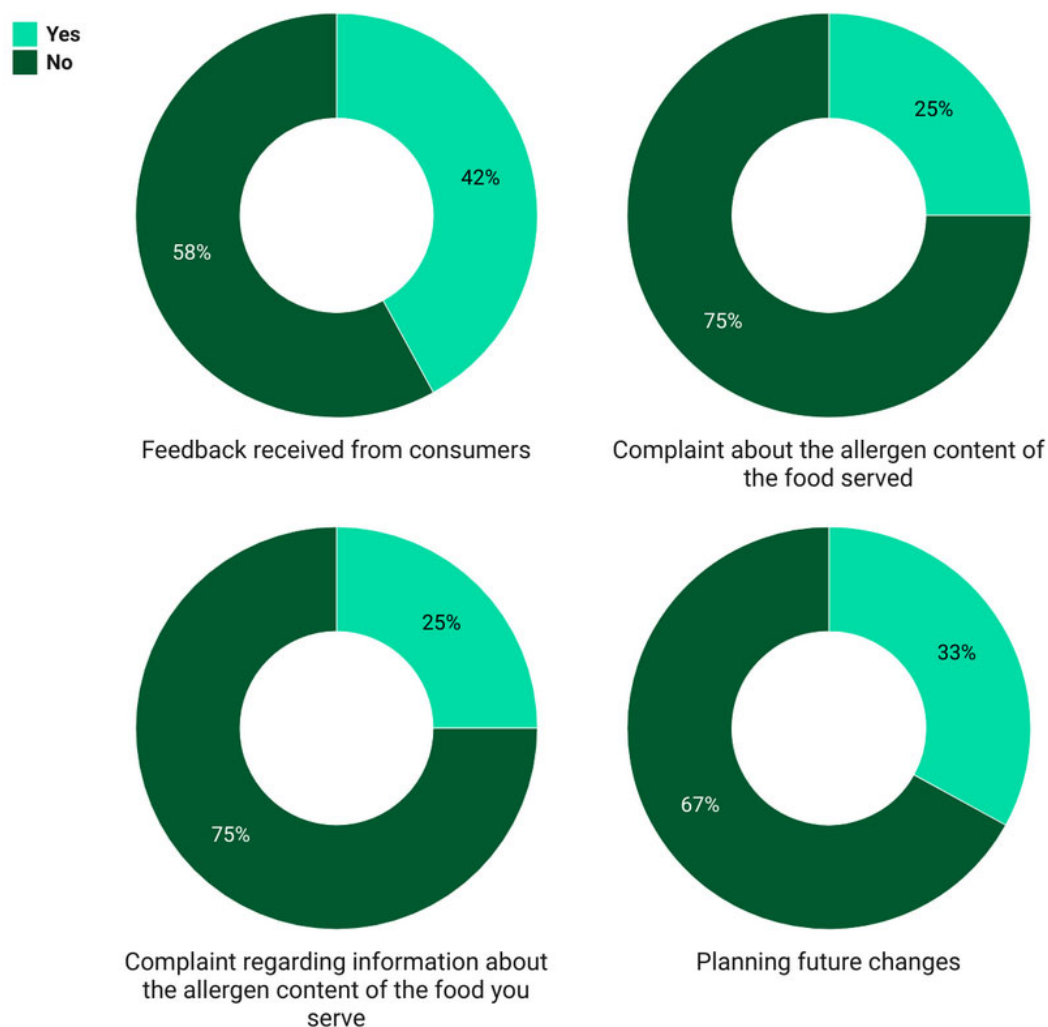
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They cannot undertake the provision of allergen information with full responsibility, since they could only make a more responsible statement about the allergen content of the final product if they could also be fully involved in the cultivation of the raw materials, so from the ground all the way to the table.



15. Figure **The distribution of answers to the question group about the treatment of consumer comments due to the allergen content of food**

Source: own editing based on interviews



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The last question in the questionnaire concerned future changes in the treatment of allergens. The vast majority of the interviewees (67%) complain of a significant workload and lack of capacity and do not plan any other changes in the future in relation to the treatment of allergens outside of the legislation, and this is also explained by the fact that I have not received any major complaints from consumers or buyers regarding the method used so far. There were, however, those interviewed who constantly strive to do as much as possible in such an area with food, or in terms of the variability of its individual components, so that they can also be consumed by customers suffering from intolerance. They strive to ensure that as much of our food as possible contains as few allergens as possible. At the same time, their primary goal is to provide the maximum culinary experience, and there are dishes that are permanent members of their offer e.g., the Wiener schnitzel or Caesar salad, for which not all allergens can be substituted.

30.3. Presentation of the good practice of measures related to allergens from the side of HoReCa sector representatives

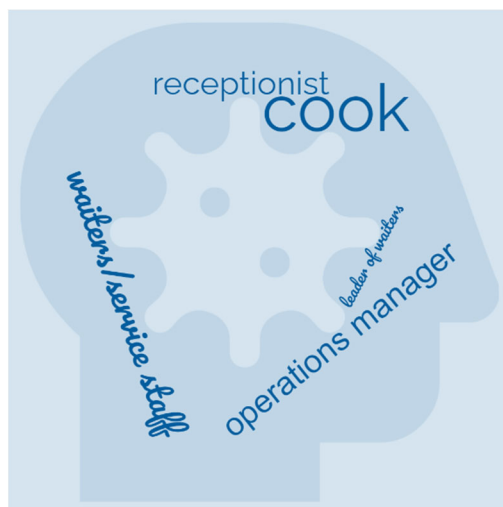
In 2016, the European Commission adopted a Commission Communication on the implementation of food safety management systems for certain food business operators and service providers, taking into account programs and procedures for essential requirements, including simplification/flexibility of implementation. In the course of our qualitative research, we asked the opinion of those in the sample about the possibilities related to allergen treatment and their intention to participate. First of all, we researched the intention to participate in this type of training opportunities. A third of the respondents did not think of providing training related to allergen management and do not plan to start a program on this topic for their employees in the future. The other interviewees consider it important to share information and expectations regarding allergen treatment with the workers. In order to do this, managers first of all train themselves and then ensure the transfer of acquired knowledge and information. It is essential to train employees in food hygiene issues in accordance with their work activities. Based on the responses of larger operators, it is a basic expectation that the persons responsible for the establishment and maintenance of the food safety management system receive appropriate training in relation to the application of the PNP and HACCP principles. Among those interviewed, they would welcome the organisation of regional-level educational programs and training sessions by competent city/district offices.



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16. Figure **According to the respondents, the target group of the special training sessions related to allergens**

Source: own editing based on interviews

Based on the answers received during the research, the respondents would support the participation of senior managers, cooks, waiters, reception and service staff in various further training sessions and education related to allergens. In any case, those persons who are in direct contact with consumers or are involved in the preparation of their orders. There were also some respondents who considered it unnecessary to participate in such training.

For all companies operating in the HoReCa sector, it is important to serve the customer's needs at the highest possible level, including, of course, consumers with various allergy sensitivities. Several sources report problems with the legislation. The opinions of the participants in the research were divided, some missed the more transparent legal regulations and the coverage of changes related to legal regulations by state subsidies, but there were those who would prefer a reduction in the number of continuous checks arising from the bureaucratic system and a more efficient transfer of information. In relation to serving customers with food allergies, it is important to keep in mind the size and type of the food industry company, and accordingly, informational materials on the training of food industry entrepreneurs should be developed by the relevant organisations of each food industry sector. Smaller service units find it satisfactory to inform customers by listing allergens in their offer.



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The opinion of others, on the contrary, is that easing any kind of structure would result in discrimination against customers with food allergies. For these respondents, it is important to build long-term trust, both with customers with food allergies and with other customers.

Continuously informing customers is important for every company. In our research, we examine various digital devices and solutions, such as QR codes, tablets, customer tracking of food, etc. its practical application in relation to informing customers with food allergies. Based on the results of the qualitative research, the organisations investigated do not use such solutions, some are considering the introduction of this option in the future, but currently consider it too costly an investment.

31. CONSEQUENCES AND SUGGESTIONS

At the present time, we also meet such foods on the market, which in the past were not available in our areas. Of course, even with their importation, the risk of food allergy and food intolerance increases. Therefore, it is extremely important to develop sensitive and reliable methods for the determination of allergens, both qualitatively and quantitatively, in the lowest possible concentration.

Due to the very important issue, the legislative processes in the EU also reflect this situation, but from the point of view of companies offering restaurant services, their monitoring is not exactly a simple process, on the one hand for capacity reasons, but on the other hand, it is an important element from the point of view of customer retention. Despite the additional costs associated with ensuring the introduction of allergens, the preparation of new types of food taking into account various food intolerances, businesses will also have to invest more in this area in the future, as the number of potential customers with certain intolerances increases. Even for this group of customers, the possibility of eating food outside the home remains an important experience in life. As part of the research, we registered deficiencies of an informational nature, possibly within the competences of the Ministry of Agriculture, the Office for Consumer Protection, or it would be appropriate for regional development offices to use innovative information channels to ensure regular notification of changes in legislation or with news. Emphasis must also be placed on sharing knowledge with employees and their regular retraining, since they are the ones who interface with customers directly and the information about the meals provided must be trustworthy and truthful. As part of the research in the future, we see the possibility of its expansion and more extensive involvement of service providers in the given sector so that we can conduct more detailed research.



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32.SUMMARY

As part of summarizing the research issue, we can state that the COVID-19 pandemic was a health and economic crisis with devastating consequences for all industries, but especially for those that depend on travel and tourism, to which we also include the restaurant services sector, which was one of the most affected. The unfavourable financial situation in the given sector and the increase in costs related to the specifics of customers place high demands on their ability to maintain themselves on the market with quality services. The factors affecting the use of restaurant services at present can be primarily attributed to access to information, the shift of interest from services to experiences, the safety of the services provided, the correctness of the information provided regarding the ready meals provided with regard to various food allergies and intolerances, the growth of the level of "consumer experiences" and permanently sustainable development.

Like other branches of medicine, food allergies and food intolerances are constantly evolving. Rising survey numbers indicate that food allergies and food intolerance will be the immunological phenomenon of the 21st century. According to a study published in 2013 by the Centres for Disease Control and Prevention, the number of food allergies among children increased by approximately 50% between 1997 and 2011. The European Academy of Allergology and Clinical Immunology found that only in Europe are affected by food allergies more than 17 million inhabitants of all age groups, and these numbers are gaining an increasing tendency, which is not an insignificant number in terms of the number of potential customers.

Competitiveness is one of the pillar requirements in the constantly changing market environment of the present time, at the same time, the freedom of the customer to decide is a fundamental feature of the market economy. For this reason, it is also necessary in this sector to realize that the variety of services provided with regard to various food intolerances contributes to increasing the competitiveness and sustainability of the company on the market. In the given sector, it is about providing services and satisfying the customer's needs right on the spot, where the first impression and feeling of satisfaction is extremely important, perhaps more than in any other service sector. From the above, it follows from the conclusion that regardless of additional costs, businesses operating within the provision of restaurant services will have to place more and more emphasis on expanding the assortment, taking into account the needs of customers with various food intolerances, using all innovative methods.



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BEST PRACTICES IN THE HORECA SECTOR IN PORTUGAL

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33. MATERIAL AND METHOD

33.1. The aim of the study

The main objective of this research is to identify, through an empirical study, a set of good practices regarding allergen management among the representatives (stakeholders, legal and civil organizations) of the HoReCa sector. To achieve this goal, a set of specific objectives was outlined:

- To understand how stakeholders view the legislation in force in the sector in Portugal;
- Recognize the challenges that the application of legal norms represents in the daily practice of each business or activity;
- Identify the specific problems that arise in relation to allergen information for consumers/customers;
- Evaluate the procedures and strategies implemented by stakeholders to deal with their customers' attitudes towards food allergies.

33.2. Data collection procedure

The primary data collection process took place between April and September 2023. It was based on the selection of a set of stakeholders provided for in WP2 of the project, as well as civil and legal organizations in Portugal.



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A total of 20 interviews were carried out, including 17 representatives of the HoReCa sector and 3 civil organizations, but it was not possible to get a response from the Legal Authority in Portugal, even after attempts of contact. The subsector of each stakeholder will be identified in the analysis of results.

The in-depth interview scripts were applied following two different procedures: face-to-face or online (via Zoom), or via email, depending on the availability of the potential participants. For time management reasons, most of the data was collected online, and in all cases a Google forms form was filled in (translated from the original script into Portuguese). The data were collected from the different members of the project team, including students from the Tourism Bachelor.

33.3. Data analysis technique

The data collected is qualitative in nature. They were therefore analyzed based on the basic criteria of content analysis. Starting with a characterization of the stakeholders, identifying the respective sub-sectors, which include Restaurants, Hotels, Educational Establishments and Others (Figure 1). This analysis was followed by a description and interpretation of the answers given to each question, highlighting the most relevant information for the study of allergen management in the HoReCa sector. Where appropriate, wordclouds, tables and diagrams were also used to facilitate the interpretation of the sample data.

The results of the empirical data analysis to identify best practices in the sector, as well as the main conclusions drawn from these interviews, are described in the following sections.



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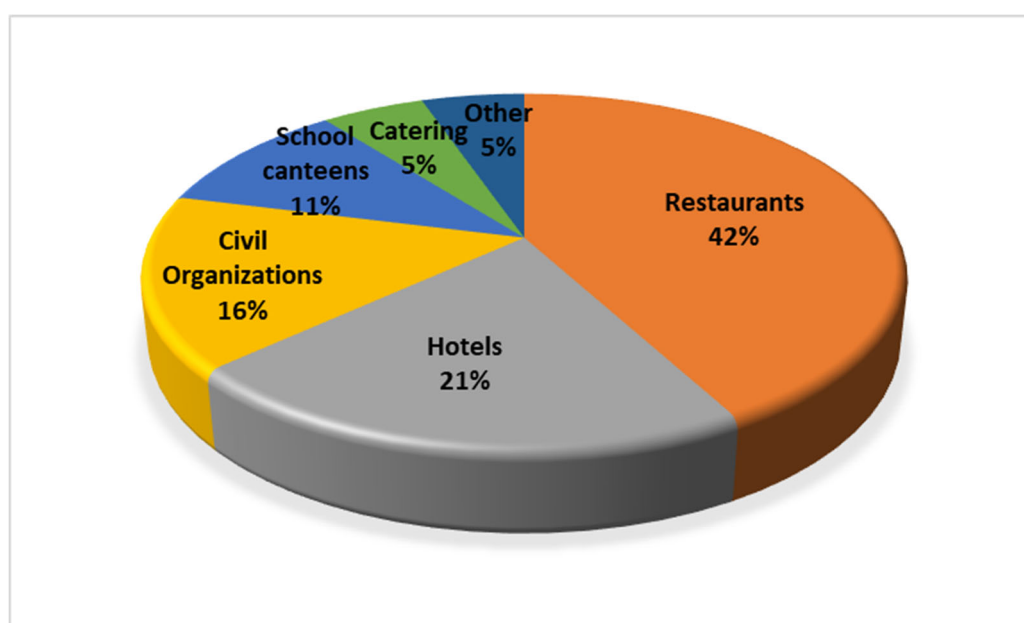
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34. EXPERIENCES OF THE INTERVIEWS

34.1. Restaurants, Hotels, Educational Establishments & Others

34.1.1. Representativeness of the sample by subsector

A total of 20 interviews were carried out, including 17 representatives of the HoReCa sector and 3 civil organizations, but it was not possible to get a response from the Legal Authority in Portugal, even after attempts of contact. The subsector of each stakeholder will be identified in the analysis of results.



17. Figure **Subsectors of HoReCa channel**



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34.1.2. *Special dietary needs and expectations regarding allergens have appeared in your clientele*

With regard to the special dietary needs and expectations of their customers in relation to allergens, we can say that the majority of respondents identified gluten (present in bread and a number of other cereal-derived foods) and lactose as the main intolerances on the part of customers. Molluscs were also mentioned. There are also indications of these same intolerances not only in adults, but also in children. Other stakeholders also mention vegetarians and vegans, although this group of consumers is not the target of this analysis, as they are optional diets which, in most cases, are not directly related to food allergy problems. Some refer there is abuse on the part of customers. They confuse restrictions and allergies with taste or way of life.

On this point, some stakeholders point out that most of the time customers inform the service staff at these units of their allergies, and obtain the necessary clarifications about the different dishes on the available menus.

Figure 2 summarizes the words mentioned by the majority of respondents to question 1.



18. Figure **Wordcloud**

Source: Wordcloud (2023)



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Regarding the **challenges/difficulties and new tasks faced due to new EU regulations** (Questions 2 and 3), the majority of respondents revealed that the new EU rules had an impact on operational management, indicating the need for a number of adjustments. In this sense, there was a need to define more rigorous technical sheets, in order to detect all possible allergens in the composition of any food, providing clear information to guests/customers about allergens in the different menus (cereals containing gluten, crustaceans, eggs, fish, peanuts, soy, milk, nuts, celery, mustard, sesame seeds, sulphur dioxide and sulphites, lupins, molluscs). In the case of educational establishments, the law already provides for alternative menus. However, most of the venues are monitored by a food engineer who validates the menus and cards. There is also regular in-house training for the teams on the subject of food restrictions and allergens. These trainings cover the construction of menus and the reading of packaging labels. In addition, there have also been adjustments to the products and suppliers of these stakeholders.

With regard to **internal regulations** (Question 4), the majority of respondents report that there was no need to create them, with legal documents such as Regulation EU 1069/2011 being the basis for guidance. Stakeholders recognize that the legislation is sufficient, containing all the necessary information to guide appropriate allergen management practices. However, they reinforce the need for staff to provide detailed information on this issue, while also being more attentive to special requests from customers.

Many of these guidelines are provided to staff in training sessions geared towards this. Although it is impossible to guarantee that there will be no cross-contamination when it comes to allergens, all team members (kitchen and dining room) receive training on the composition of all dishes and there is a table to consult to support service. In addition to reinforcing staff training, specific information is requested from suppliers.

In terms of programs, training actions or educational practices in the field of allergens, In terms of training, different behaviours were detected, with most of the stakeholders who actually answered this question providing in-house training, others relying on training provided by companies that supply HACCP services and others not providing any training at all, with only 5 of them complying with the legislation (Figure 3), claiming that it would be important to have specialized training made available to companies by the competent organizations.



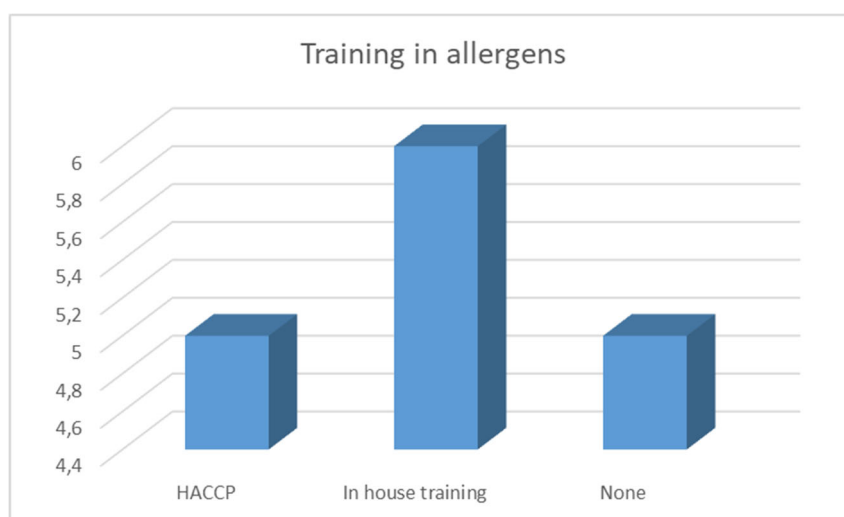
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Linking this topic to the Questions 17 and 18, it is possible to identify the needs of companies in terms of specialized internal training, and the majority of interviewees would like to extend this training not only to department heads, but to all team members, especially those who have direct contact with the customer.



19. Figure **Training in allergens provided by the stakeholders to the staff**

When it comes to **difficulties in complying with and applying regulations** (Question 6), 47% of respondents to this question say they have no problem following the rules in force in their establishments. However, other stakeholders recognize that it is practically "impossible" to guarantee the total absence of cross-contamination in manufacturing sites (as far as allergens are concerned). In the catering sector, there can always be some kind of "contamination". In addition, it is sometimes difficult to understand the difference between allergy and intolerance, due to the specific nature of some allergies. In terms of staff management, there are also some difficulties in adapting to the rules, with managers feeling a sense of increased responsibility that is not always manageable due to staff turnover, requiring greater effort and care in providing the service.



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With regard to offer of non-allergenic dishes (Question 7), the ones there are most often served by the stakeholders are: salads, gluten-free bread (alternatively they provide sweet potato bread with avocado paste, baked quinoa), no seafood dishes, sweet potato bread with avocado paste, baked quinoa, fish-based dishes and grilled meats. One of the stakeholders referred that adapted the *Pastel de Nata* (one of Portugal's typical sweets) recipe, to non allergenic criteria.

Some of the stakeholders say that they already have a number of allergen-free meals on their menus, but the majority say that they don't have such menus with 100% allergen-free dishes; they just prepare specific meals at the customer's request, adapting the dishes they have. For example, one of the stakeholders mentioned that there are alternative broths without shellfish in the dishes that contain shellfish. Others also said that for events, both social and corporate, we have pre-defined menus that can be adapted to different situations.

Following on from the above, regarding the **strategies for managing allergen processes**, all but one of the stakeholders said that they don't have separate menus (Question 8), although they identify allergen-free dishes on the general menu and others make dishes to order, at the customer's request and according to their needs. This shows that there may still be many practices to improve in this area, in order to offer a pre-planned service for these special cases.

With regard to agreements on the supply of ingredients, storage, cooking processes and service to consumers to avoid cross-contamination by allergens (Question 9), the stakeholders report the following:

- follow the general rules inherent to F&B and the guidelines of the companies providing HACCP services;
- use of color codes and opt for many recyclable materials;
- buy specific products for lactose and gluten intolerants;
- store in airtight containers and cook food separately;
- differentiated the production area with different accessories, product identification (at buffets), verbal information at table service .
- the goods reception process is mechanized to assess the product, expiry dates and allergens accordingly;
- separate storage, production area with differentiation of accessories, product identification (at buffets), verbal information at table service.



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With regard to the staff responsible for complying with the regulations on handling allergens (Questions 10 and 12), the stakeholders mention the chefs (and sous chefs) in the first place, those responsible for HACCP in second place, the heads of the respective departments and in other cases, they mention all the team members involved in the cooking and delivery process.

With regard to strategies for informing customers about allergens in food/dishes (Question 11), the different establishments surveyed mentioned different strategies:

1. On the menu with subtitles and the corresponding allergen signage displayed on the menus.
2. Through information documents visible at the buffet/take away/delivery service.
3. Verbally by the staff, at the time of ordering, promoting dialog and clarifying any doubts directly with the customer.

On this point, one of the stakeholders also comments as follows: The menu has a clearly visible note: "Please inform us in case of food allergy or intolerance." In this way we pass the onus on to the customer with any allergy or intolerance, promoting dialog with the team and the consequent solution.

With regard to customer feedback on satisfaction with allergen treatment (Question 13), 9 of the stakeholders who answered the question said no, and 7 said they ask for this feedback. The rest say that they sometimes do, and that they receive praise for knowing and trying to respond to all the information customers need.

With regard to the complaints received (Questions 14 and 15), only three of the interviewees said yes, because customers had not previously informed the staff of their allergies and ended up consuming products that were not suitable for their health (gluten, sulphites). In these situations, the establishments provide medical support and offer alternatives, although these alternatives are not always what the customers want.

Regarding the introduction of changes in the future in relation to the handling of allergens (Question 16), most of the interviewees said that they would not. However, some intend to: "intensify control in the production areas"; "increase the use of allergen-free substitute ingredients"; "create a separate kitchen to serve the various restaurants"; "have preparation pantries separated by allergen"; and "invest in technology and access to information".



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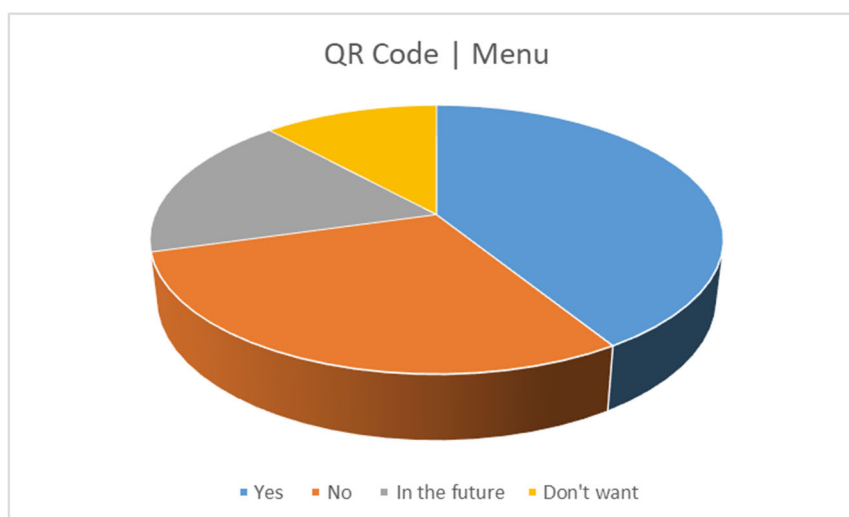
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With regard to **possible legal or technical changes that would make it easier to serve customers with food allergies** (Question 19), most of the respondents said that the legislation is "sufficient and thorough" and that the obligation of those who provide services in the HoReCa sector should be to comply with it rigorously. For their part, 3 of the stakeholders said that they didn't have enough knowledge to answer this question. And the rest provide a set of suggestions or improvements that could be included in the law, such as: there should be a requirement for customers to give prior notice, "Those who are allergic or intolerant should carry a card proving it", thus, "in hotels it would be important for information to be collected and shared by the different sections at check-in", others also insist on the issue of mandatory training, provided by competent bodies.

With regard to the **use of digital devices (such as QR codes)** to inform customers with food allergies (Question 20), the majority of respondents say yes, and others will certainly do so in the future (Figure 4). However, there are still cases where this is not something to consider, as they prefer to "promote dialog. Not least because, in many cases, it's easy to replace the ingredient(s) with an alternative. In hospitality, the process should always be humanized. In a short dialog it is possible to identify problems and promote alternative solutions in a very short time and in a more assertive way."



20. Figure **Use of digital devices (QR Code)**

As additional information or suggestions (Question 21), some of the interviewees suggested that the food and drink offer could be advertised using a QR code, with all the information there and the



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possibility for the customer to inform them of any other needs they may have. When food is displayed, the allergens should always be identified. Others also said that it would be important to have more specific training and that it should be made available to all restaurants and cafés so that there is more knowledge about the standards applied. In addition, there should be more options for identifying allergens in advance, in order to improve the quality of service, as there are not always conditions to present satisfactory alternatives to customers while maintaining profitability.

34.2. Civil Organizations

The results of the interviews were analyzed descriptively in terms of the representativeness of the different subsectors of the HoReCa channel to which the stakeholders belong. Subsequently, a brief content analysis was carried out to obtain a concerted view of the vision of each of the stakeholders, making it possible to make a comparison in different sub-sectors.

With regard to civil organisations, the following table was drawn up, showing the main aspects that these organisations mentioned with regard to the influence on the HoReCa sector of special dietary needs and consumer food allergies, which are becoming increasingly widespread.

Question	Civil organizations	Answers
1	What kind of food allergies and intolerances do you encounter during your operation?	<p>Predominance of lactose intolerance, coeliac disease, allergy to milk protein, nuts, peanuts, crustaceans and fish</p> <p>One of the interviewees is a business association that represents the entire sector and informs its members about the information to be provided on allergens</p>
2	<p>You represent the below actors:</p> <ul style="list-style-type: none"> • consumer • organizations in HoReCa including: • Organizations providing communal feeding, including: 	<ul style="list-style-type: none"> • public and collective catering companies. • Food wholesalers • Public benefit organisation representing the entire Hotel, Catering and Beverages sector.



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	<ul style="list-style-type: none"> • Other? 	
3	<p>What legal obligations do you have to fulfil regarding informing the consumers about allergens? What kind of hardships has this been causing you or your partners?</p>	<p>Legal obligations:</p> <p>The information we provide depends on how the food is sold:- if it is pre-packaged, the information must be on the label, in accordance with Reg. (EU) No. 1169/2011, of 25 October 2011- if it is not pre-packaged, packaged at the point of sale at the buyer's request, pre-packaged for direct sale, or distance selling of non-pre-packaged, the information to be provided to the consumer can be found in Decree-Law No. 26/2016, of 9 June.</p> <p>Complying with the mandatory sharing of information on allergens in food available for consumption and in meals, including in the menus produced.</p> <p>Challenges: This has to do with the fact that kitchens are simultaneously preparing various types of meals, although there are certain technical data sheets and concerns about cross-contamination are always a challenge. Allergies and/or intolerances should be communicated to us in advance whenever possible (particularly in hospitals, schools and companies with catering facilities), so that the respective meals are prepared under specific conditions, separately from the rest of the meals.</p>
4	<p>What is your perception of the situation of the concerned consumers, what is the quality or level of the service they receive?</p>	<p>perception is positive, even if they have limitations from the point of view of allergens.</p>



<p>5</p>	<p>Do you think that regulation 1169/2011/EU is adequate in providing informative requirements about allergens? To what extent do the member states' regulations serve the consumers' interests? What kind of hardships and activities does comply with these regulations mean for the organizations that produce and provide food?</p>	<p>The regulation is appropriate, since it obliges the declaration of the presence of allergens and has brought a higher level of safety to consumers.</p> <p>It involved the development of in-house software and the collation of allergen information.</p> <p>It requires production processes to be properly monitored and care taken to ensure that existing allergens are disclosed.</p> <p>Difficulties: In catering, the biggest difficulty is related to cross-contamination</p>
<p>6</p>	<p>What usually causes problems from the side of the participants of the HoReCa sector? How would you change the before mentioned regulations?</p>	<p>Difficult to operationalise, as the work areas are small, potentially causing cross-contamination.</p> <p>High staff turnover and lack of training/sensitisation.</p> <p>The language of the regulations should be easy for consumers to understand.</p> <p>In collective catering, there are problems with the format of communication, as it is compulsory to include information that is visible to the consumer. We suggest prioritising information and means of communication</p>



7	What usually causes problems from the side of the consumer?	<p>Any lack of knowledge that may still exist on the subject.</p> <p>Labels with very small print, making them difficult to read.</p> <p>Consumers with allergies or intolerances tend to avoid eating out for fear of accidental exposure, due to a lack of knowledge and good practice on the part of catering establishments.</p>
8	What is your opinion about the knowledge of consumers regarding food allergies and allergens?	<p>Consumers with allergies or intolerances value all the information provided, the rest know that there are allergens, but they don't know which ones, they have vague information on the subject</p>
9	Do you think the knowledge of consumers can be improved?	<p>There may be a need for clarification and sensitisation.</p> <p>Most consumers today are better informed and more demanding of what they buy</p>
10	How can you assist the consumers? What good practices do you have about properly informing consumers about the allergens in foods and allergen-free opportunities?	<p>Raising awareness by including information on menus.</p> <p>Informing consumers correctly, training and sensitising employees.</p>
11	How can you assist the participants of the service providers?	<p>training employees on an ongoing basis, clarifying what an allergy is and what a food intolerance is.</p> <p>Providing allergen-free alternatives (wholesale)</p>



<p>12</p>	<p>How do you think the allergen management of businesses can be improved? What is necessary for these improvements?</p>	<p>The training and sensitisation of teams is fundamental to the success of allergen management.</p> <p>Allergen management needs to be constantly updated on product technical data sheets.</p> <p>Information that is easier to identify, e.g., through pictures/symbols.</p>
<p>13</p>	<p>What is your opinion of the improvement of allergen management? What trends are typical and what do you expect in the near future?</p>	<p>specific software and the possible inclusion of this topic in the Food Composition Table.</p> <p>Less processed products with fewer allergens.</p> <p>There needs to be more publicity on the subject with communication actions aimed at consumers and food professionals.</p>
<p>14</p>	<p>How important do you think the education of the employee of the HoReCa sector about allergen management is?</p>	<p>A fundamental requirement! It is essential that employees have knowledge of the subject, namely the difference between a food allergy and a food intolerance.</p> <p>It's essential that they know about them and how to avoid cross-contamination.</p>
<p>15</p>	<p>What national or international good practices do you have knowledge of, that should be followed by other participants? Do you have any relationships with international partner institutes? How can you cooperate and do you know of any good practices from their side?</p>	<p>There are good allergen information practices on the part of some fast food brands. On their websites, they provide allergen information for all their products and some brands have made an effort to have gluten-free products, for example.</p> <p>Use of QR codes to consult information.</p>



16	How do you think modern technology can help with allergen management and informing consumers?	Easier to publicise and easier to access. The way to publicise and access information is much faster with technology.
17	Do you have any other comments, observations or suggestions about the topic?	(No answers)

6. Table **Special dietary needs and consumer food allergies of the HoReCa sector**

It can be seen that these organisations are aware of existing legal obligations at European and national level and that they comply with all these obligations. There is also a concern, in the opinion of these organisations, to inform and raise awareness among both customers and employees in the HoReCa sector. The biggest problem identified was cross-contamination, which was mentioned by all the organisations because there can be little space for food handling, especially in restaurant kitchens.

It is also interesting to note that these organisations consider it essential to have specific software and the possible inclusion of this topic in the Food Composition Table; more publicity on the subject with communication actions aimed at consumers and food professionals; and less processed products with fewer allergens.

35. CONSEQUENCES AND SUGGESTIONS

Due to the size of the sample, it was not possible to identify differences in knowledge of regulations or good practices between the different stakeholder groups (restaurants, hotels, canteens or others). Therefore, the analysis was carried out globally.

However, it was possible to detect a number of trends, and the conclusions drawn from the primary data collected can be summarized as follows:

1. In general, there are no difficulties in accessing European and national regulations and putting them into practice. However, there are some differences in action, namely in the existence of menus/meals expressly focused on the public with food allergies.



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2. Although there is internal training on the part of the companies, many of them promoted by HACCP service companies, the stakeholders point out the lack of specialized training in the area.
3. Following on from the previous point, the stakeholders reveal an increased effort in staff management and in ensuring that information on allergens is provided to customers in a clear and appropriate manner.
4. In terms of technology, there is a lot of openness on the part of the stakeholders, most of whom provide QR codes to access the menus.

35.1. Limitations of the study

The data collection process went as planned, although until the end of the data collection period it was not possible to receive any feedback from the legal organization representative in Portugal designated as ASAE. We recognize that is the main limitation of the study.

36.SUMMARY

Following on from the information presented on the previous pages, it is possible to give a relatively expressive overview of the reality in Portugal in terms of allergen management in the HoReCa sector. In legal terms, Portugal's legislation is fairly complete, in line with European legislation. However, according to the results of the interviews with the 17 representatives of the HoReCa sector, there is little clarification of the legislation. This implies that there should be widespread dissemination and clarification measures by the competent authorities.



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LIST OF FIGURES

1. Figure Allergen List by the Turkish Ministry of Agriculture and Forestry	43
2. Figure Number of actors involved in the research by sector (n=27)	56
3. Figure Allergen guidance for food businesses	84
4. Figure “Be Aware of Allergy Project”	85
5. Figure “Allergy on the Target Project”	86
6. Figure “I am aware” project	87
7. Figure “Cook healthy foods for allergic children” Source: (NTV, 2019).....	87
8. Figure When famous Turkish Chef Hazer Amani entered the kitchen for Allergic Children .	88
9. Figure “Food Allergy Awareness Education”	89
10. Figure Menu description of Chef Yalova Café	90
11. Figure Sample article of national research concerning the practice of HoReCa companies ..	91





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12. Figure Sample article of national research concerning the practice of HoReCa companies ..	92
13. Figure Frequency of allergens	103
14. Figure Responsibility for control regarding compliance with the regulations for the treatment of allergens	105
15. Figure The distribution of answers to the question group about the treatment of consumer comments due to the allergen content of food	107
16. Figure According to the respondents, the target group of the special training sessions related to allergens	109
17. Figure Subsectors of HoReCa channel	114
18. Figure Wordcloud	115
19. Figure Training in allergens provided by the stakeholders to the staff	117
20. Figure Use of digital devices (QR Code)	120

LIST OF TABLES

1. Table The above information must be included in key points under the regulations	42
2. Table Substances or products causing allergies or intolerances	46
3. Table Substances or products causing allergies or intolerance	52
4. Table List of interviews	93
5. Table of interview data	97
6. Table Special dietary needs and consumer food allergies of the HoReCa sector	126

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