



SUMMARY REPORT

COMMISSION EXPERT GROUP ON FOOD LOSSES & FOOD WASTE DG HEALTH AND FOOD SAFETY (SANTE)

3rd meeting

Brussels, rue Van Maerlant 2 (EESC Building), VML MEETING ROOM

22 June 2016 – From 10:00 to 17:00

Member States represented (26):

AT, BE, BG, CY, CZ, DE, DK, EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LV, MT, NL, PT, RO, SE, SI, SK, UK

EFTA: Norway

Invited speakers: Toine Timmermans (FUSIONS), Kris Roels [Interdepartmental Working Group Food Losses, Government of Flanders (Belgium)]

Commission: **DG SANTE:** Alexandra Nikolakopoulou, Anne-Laure Gassin, Bartosz Zambrzycki, Dawid Łaciński, Thanasis Raikos, Jacques Humières, Kris De Smet; **DG AGRI:** Olivier Diana; **DG ENV:** Silvija Aile; **DG ESTAT:** Hans-Eduard Hauser; **DG EMPL:** Plamen Kolev; **DG TAXUD:** Pia Michelsen

Chair: Alexandra Nikolakopoulou *Head of Unit E1: Food information and composition, food waste, DG SANTE*

1. WELCOME AND ADOPTION OF THE AGENDA

The Chair welcomed policy experts from Member States (MS) to the third meeting of the Commission's Expert Group on Food Losses and Food Waste and explained that the invitation had been sent not only to the Members of the expert group on Food Losses and Food Waste but also, by DG Environment, to experts in Member States dealing with waste policy (in particular the revision of Waste Framework Directive) in order to facilitate cooperation on national level.

The Commission proposed adding to the agenda (under AOB), a presentation by DK on practical guidelines developed by Danish authorities to support food businesses in food waste prevention. The modified agenda has been accepted by all participants.

2. INTRODUCTION

2.1. Food waste in the new organisation chart of DG SANTE

The Chair presented the new structure of DG SANTE (introduced in February 2016), where food waste issues have been transferred from the former SANTE E6 (innovation and sustainability) unit to SANTE E1 (food information and composition, food waste).

2.2. Matters arising from the last meeting

The Chair referred to previous meetings of the Expert Group: the meeting of 24 April and the meeting held in October 2015 during the EXPO in Milan, which was in practice the last meeting of the Expert Group.

During these meetings preparatory work on the Circular Economy Package has been discussed. This meeting continues on the topic and focuses on two key deliverables envisaged in the Circular Economy Action Plan – i.e. the preparation of methodology to support uniform measurement of food waste in the EU Member States and EU food donation guidelines.

The AT delegation asked for more information about the future plans of the Commission on food waste as well as how to best handle media queries in this regard. The Chair referred to the summary of actions outlined in the Circular Economy Action Plan¹ related to food waste prevention.

3. FOOD WASTE PREVENTION IN CIRCULAR ECONOMY ACTION PLAN

The Chair presented provisions relevant to food waste prevention in the Circular Economy Action Plan. In particular she recalled SDG target 12.3 and described specific planned measures on food waste reduction: measurement of food waste and other obligations laid down in the proposal to revise the Waste Framework Directive; facilitating use of former foodstuffs for production of animal feed; elaboration by the Commission of guidelines to facilitate food donation in the EU; and promotion of better understanding and use of date marking by all actors. She also updated the expert group on the ongoing procedure to establish the EU Platform on Food Losses and Food Waste (FLW) as well as its future role. Finally, she referred to the ongoing preparation by the NL Presidency of Council (AGRIFISH) conclusions on Food

¹ http://eur-lex.europa.eu/resource.html?uri=cellar:8a8ef5e8-99a0-11e5-b3b7-01aa75ed71a1.0012.03/DOC_3&format=HTML&lang=EN&parentUrn=COM:2015:614:FIN

Losses and Food Waste, and gave the floor to the NL for further information in this regard.

DG ENV subsequently provided an update on food waste provisions in the proposal to amend the Waste Framework Directive. Special focus was made on the current state of play in the Council, where food waste is one of the topics discussed. The presentation also referred to the draft report by EP rapporteur (Simona Bonafe), which includes a proposal for several important and new provisions on food waste – in particular the definition of food waste and a target on food waste prevention. Finally the timeframe for further work in Council (under SK Presidency) and in Parliament (ENVI and ITRE Committees) has been presented.

FR requested that core measures of the FUSIONS project be taken into account by the Commission in preparing methodology to measure food waste in order not to lose efforts already made at national level based on this work. The Chair confirmed the value of the food waste quantification manual developed by FUSIONS and that it would be taken into account by the Commission, along with other relevant work and the experience of the EU MS in elaborating methodology to measure food waste and related reporting obligations.

4. FOOD WASTE MONITORING

4.1. Presentation of FUSIONS experiences and recommendations by FUSIONS co-ordinator, Toine Timmermans

Mr Timmermans presented the final experiences and recommendations from the FP7 programme FUSIONS (2012-2016) concerning collection of data on food waste (the presentation had been circulated few days prior to facilitate discussion at the meeting). The presentation focused on the FUSIONS food waste quantification manual (one of the deliverables of the programme) and outlined also its coherence with the recently published Global Food Loss and Waste Protocol (WRI). He also presented the new estimates of food waste levels in the EU-28 published by FUSIONS and highlighted the existing data gaps and need to improve food waste data collection in the EU to support food waste prevention strategies.

Mr Timmermans pointed out the need for public authorities to encourage and facilitate sharing of data by food business operators, the importance of building trust among the stakeholders in the food chain and the good experience to date with voluntary agreements implemented in some MS to support food waste reduction. Finally he informed about the research project carried out under Horizon 2020 - REFRESH - which is aimed among others at creating and piloting national frameworks for food waste prevention supported by effective cooperation of business and public authorities to measure and reduce food waste.

The Chair acknowledged the results of FUSIONS and their value for food waste prevention in the EU. She indicated that the Platform on FLW would in future be a forum for exchange of experiences and best practice.

ES stressed its request to modify the file “Country report_SPAIN” available in the FUSIONS web site taking into account the report sent in December 2015 by the Ministry of Agriculture, Food and Environment of Spain to the FUSIONS WP3 Core Team, in time and form. In addition, ES informed of Spanish Strategy “More food, less waste”, launched in 2013 by the Ministry of Agriculture, Food and Environment, within the framework of sustainability policies promoted by the Department; and it follows the request of the European Parliament for its Member States to develop action plans against food waste.

The Catalan Waste Agency, which participated in the meeting as a guest of DG ENV, informed about its efforts to gather more data on food losses in primary production in particular with analysis of insurance data and promised to provide updated information to the Commission and other MS; and also recalled national waste prevention programmes, some of which address aspects of food waste prevention and as an example of a flagship initiative – the programme put in place to reduce food waste in the Catalan region.

Mr Timmermans recalled efforts made by ES and PT during the FUSIONS project and that ES was one of the countries participating in the development of national framework programmes under REFRESH.

UK provided their insights from testing of the FUSIONS manual in practice (FUSIONS “pilots”). In particular it recalled the UK's experiences with monitoring of food waste dating several years back including knowledge of costs of monitoring. UK conducts a rolling programme, prioritizing consecutively different sectors in order to address "hotspots" in food waste prevention. As detailed studies are expensive, the UK recommends not to conduct them too frequently and that reporting requirements in EU legislation be adapted accordingly in order to allow flexibility.

BG has informed that the companies in this Member State have often raised the issue of confidentiality when discussing food waste measurement. According to BG experiences companies are willing to share the data as long as they understand the purpose of such data collection and that public authorities provide an appropriate framework ensuring that data are treated with confidentiality.

4.2. Presentation of use of waste statistics to report on food waste by Mr Hans-Eduard Hauser (EUROSTAT)

Commenting on the previous discussions, ESTAT stressed that the key issue in the collection of data for the purpose of statistics is to ensure common understanding of what should be measured. In this context, ESTAT stated its view that the definition of food waste should not include inedible parts of food as these are not destined for human consumption. The differentiation of edible from non-edible parts can be addressed at operational level.

ESTAT's presentation focused on experiences from the so-called "plug-in exercise" based on 2012 waste statistics data. Within this exercise volunteering MS collect disaggregated data on waste in order to more specifically identify data on food waste. Analysis of 2012 shows that there is great variation in data reported by MS which may arise due to a number of reasons. ESTAT will repeat the exercise based on 2014 data in order to further analyse the problem.

NL commented that some of the variation may be due to differences with attribution of waste codes to the materials by MS and asked whether it would be possible to clarify the definitions of the codes utilized. ESTAT replied that codes cannot be modified without changing the Regulations.

4.3. Flanders experiences with food waste quantification - presentation by Mr Kris Roels (Belgium)

Mr Roels presented Flemish experiences with collection of data on food waste based on testing of recommendations from the FUSIONS Manual and data collection for waste statistics (including "plug-in"). The Manual has been assessed as a valuable tool in facilitating dialogue and providing solid framework for discussion with stakeholders on data collection. However there is a need for better integration of data gathered according to the manual with data collected for the need of waste statistics. He encouraged the Commission to work further to achieve synergy between the FUSIONS approach and existing data collection for waste statistics.

4.4. Other experiences and initiatives on monitoring of food waste - Tour de table

Following presentation of the experience of Belgium, the Chair invited experts to share their experience with food waste quantification initiatives.

FI informed about new "food waste estimator" projects, focused on household and catering waste, also taking into account quantification of edible and inedible fractions.

SE mentioned their involvement in a Nordic (DK, FI, NO, SE) project on data collection in primary production (food loss and waste). Results of this report were expected to be published in June. The report will include discussion of methodological issues and attempts to quantify food losses, including losses which farmers do not regard as waste. Sweden noted the importance of nomenclature; from their experience, collection of information on “losses” gives better results than asking operators to report on food “waste”.

DK: currently use of data from waste statistics is problematic due to differing codes on waste as well as the fact that only part of food waste is source separated. It is estimated that in household and food services 30-50% of food waste is mixed with other waste. DK has made compositional analysis of waste and plans to repeat it every six years, noting the high cost of such operations. DK raised several questions concerning food waste definition and scope of food waste and losses which was later addressed by DG SANTE in its presentation.

FR mentioned the recent study published by ADEME, estimating amount of food waste in each sector of the food value chain and their CO₂ equivalents.

ES informed again about the good results of the Spanish Strategy “More food, less waste” and the high involvement of different groups within the framework of this Strategy.

The Catalan Waste Agency informed about the report of the Agency on food waste including analysis of edible parts of food in separately collected and mixed waste. Results of 2012 study revealed 35 kg per capita food waste in household, retail and hospitality sectors. Methodology for analysing food waste in primary production and processing is planned for September 2016. Finally the Catalan Waste Agency has asked about the potential role of regional authorities in the Platform.

NO recalled the “Format” project on calculations of food waste (including edible fraction) and mentioned it has improved statistics provided by the business sector. FUSIONS Manual has been assessed as a good basis for food waste quantification and data upscaling.

UK reiterated their experiences on data collection including estimations for all post-farm gate sectors with very good coverage of grocery sector including food surplus in this sector. The FUSIONS manual has been assessed as a good basis, nevertheless there is a need to continue research in specific sectors. UK stressed that in-depth studies in specific sectors are conducted over longer periods (3-5 years), therefore the reporting framework should be flexible enough to accommodate the periodic character of such data.

DE assessed that despite being ranked highest with respect to data coverage in the FUSIONS presentation of available research on food waste levels in the EU, there

is still a lot to improve on data quality. DE informed that new data collection in households is underway (diary study for 6000 households over 1 year), with results expected mid-2017.

IT called on the Commission to address, not only food waste but also food losses, and to address this by proposing a definition and clarifying the scope. IT also informed regarding a study started by University of Bologna this year on food waste quantification and measures to prevent food waste including creation of a household food waste "observatory". Results are expected in 2017.

ES suggested that the issue of inedible parts of food and their separate collection should be further analysed in the future in order to keep such material in the value chain. ES also mentioned that differing VAT regimes depending whether the food material is in "circular" or "linear" economy may be an option to improve food waste prevention in future.

EE recalled the high cost of food waste quantification studies and asked about planned frequency of such studies. As explained by the Commission it should be further discussed and possibly addressed in an implementing act.

LT informed that food waste is a priority for LT Ministry of Environment and that according to available data only limited amount of food waste is generated. However due to duplication in statistics this issue will be further analysed.

PT informed that following their study of 2012 (conducted by academia and NGOs), a second study is being conducted with results expected to be published soon.

SE informed that another Nordic project - on date labelling - shows that there are significant differences in practice between countries and that there is room for improvement and limiting food waste linked to misunderstanding of labelling. The issue of labelling of eggs should be verified further.

AT informed of several studies done and that the main focus of their efforts is on the edible fraction of municipal waste.

The Chair encouraged experts to forward to the Commission new studies and information on food waste prevention and measurement. To facilitate collection information, DG SANTE suggested that experts might wish to send on any new information, not already included in the country reports prepared in the context of the FUSIONS project and made available on that website.

4.5. Planned approach to elaboration of methodology to monitor food waste - DG SANTE

DG SANTE presented how the Commission intends to develop the methodology for measurement of food waste. The DG SANTE official explained the concept

of food waste inherent in the current waste legislation (and related legislative proposal to revise the Waste Framework Directive) – i.e. that food waste is food (as defined in General Food Law), including inedible parts which is discarded. He also described boundaries of food waste in each sector of the food supply chain where, according to the waste legislation proposal, MS are asked to take action to reduce food waste and report on levels, and presented the key issues to be discussed in future.

In answer to questions raised by MS, DG SANTE explained that the Commission's proposal does not include a food waste reduction target, although such a target may be proposed by the European Parliament. In the absence of a target the issue of baseline has not been analysed, however if any target will be introduced the Commission intends to ensure that early efforts of MS in reducing food waste will be duly taken into account. DG SANTE explained that the SDG 12.3 target is of global character and cannot be applied automatically to MS, however it is a commitment made by all MS of the EU. Finally it has been explained that the Commission, while understanding the importance of preventing waste of the edible fraction of food, it plans to focus first on total food waste generation and prevention, leaving the more detailed monitoring (edible vs inedible or avoidable vs unavoidable) for closer assessment in future. Such an approach is also consistent with the current quality of data available on food waste in the EU MS.

FI delegation asked for confirmation that pre-harvest losses are not part of the food waste concept (and monitoring) under the Waste Framework Directive which was confirmed by the Commission.

Conclusions and next steps

- The legal framework of food waste prevention will be further discussed in Council and Parliament, in context of the ongoing ordinary procedure related to the Commission's proposal to review the Waste Framework Directive.
- The Commission will present further developments regarding monitoring of food waste and pursue discussion in this regard with Member States and stakeholders at the first meeting of the Platform on FLW (expected in the Autumn).

5. PRESENTATION AND DISCUSSION OF WORKING DOCUMENT IN VIEW OF THE PREPARATION OF EU GUIDELINES ON FOOD DONATION

The Chair welcomed stakeholder organisations who were invited by the Commission for this agenda item in order to take part in a joint discussion, together with Member States, on a working document prepared by the Commission to help inform the development of EU guidelines on food donation. She indicated that the organisation

of this joint meeting, including both stakeholders directly involved in food redistribution along the food supply chain and Member State experts, had been agreed in previous meetings with the ad hoc working group on Food Losses and Food Waste of the Advisory Group on the Food Chain, Animal and Plant Health² and the Commission expert group on Food Losses and Food Waste³.

The Chair specified that EU guidelines on food donation will be elaborated by the Commission as part of the Circular Economy Action Plan related to food waste prevention. The aim of the guidelines is to clarify relevant provisions in EU legislation and to help lift barriers related to food redistribution in the EU. She stated that the guidelines will necessarily focus on those issues which need to be addressed at EU level and hence will complement but not duplicate those existing in the EU Member States.

The Chair gave the floor to a DG SANTE official who introduced the document and thanked the Member States and stakeholder organisations who had volunteered to contribute to its preparation and provided input in this regard. She stated that the issues included in the working document reflect aspects of the EU regulatory framework which Member States and stakeholders would wish to see clarified in order to facilitate compliance of both food donors and recipients (food banks and other charity organisations) with related legislative requirements.

The guidelines would therefore cover areas such as: roles and responsibilities of food donation partners; legal liability; food safety and hygiene requirements applicable to food donation; rules related to food information to consumers; as well as fiscal rules (VAT). By clarifying how EU rules apply to food donation, the Commission intends not only to facilitate this activity by both food donors and recipients but also promote common interpretation of these rules by regulatory authorities in the EU Member States. In addition, the Commission proposes to include examples of the practical implementation of these rules in the EU Member States in order to help share the experience and practice of food redistribution at national level. In this regard, FoodDrinkEurope informed that practical guidelines developed jointly by three European stakeholder organisations (FoodDrinkEurope, European Federation of Food Banks and EuroCommerce) to support both industry and food donation organisations in engaging in food redistribution activities would be published shortly⁴.

DG SANTE presented the first section of the document related to the food safety and food information obligations arising from the General Food Law and EU rules relating

² http://ec.europa.eu/dgs/health_food-safety/dgs_consultations/docs/20141028_summary_report_en.pdf,
http://ec.europa.eu/dgs/health_food-safety/dgs_consultations/docs/summary_20140508_en.pdf

³ http://ec.europa.eu/food/safety/food_waste/eu_actions/member_states/docs/20141107_sum_tor_en.pdf

⁴ "Every meal matters", published on XX pending endorsement by the Standing Committee on Plants, Animals, Food and Feed. See: <http://www.fooddrinkurope.eu/publication/every-meal-matters-food-donation-guidelines/>

to food information to consumers. As outlined in the document, the Commission underlined that it could be useful to define the scope of the potential activities of food banks and other charity organisations in order to more clearly identify those activities under their specific control and the related responsibilities. For instance, with respect to traceability, the obligations of food banks and other charity organisations are different and less onerous than those of food manufacturers. In this regard, Belgium indicated that simpler traceability obligations had been implemented at national level taking into account the specific redistribution activities of food banks.

Following this introduction, the Chair gave the floor to participants for questions and comments. Several Member States confirmed that it would be useful to clarify terminology as there exists different types of organisations involved in food redistribution and responsibilities with respect to food safety may differ depending on the type of activities carried out (e.g. storage and transport, processing ...) and whether redistribution of foods is directed to other organisations (e.g. redistribution of food by food banks to schools, charity organisations) or directly to consumers, as is often the case for charity organisations.

The term "food bank" itself may also have different meanings in different countries. In Bulgaria for instance, the term "food banking" has been defined through national legislation. Other Member States indicated that national rules and/or guidance had been defined to clarify rules applying to food redistribution. A MS further questioned when does "redistribution" become a "business", i.e. a "systematic activity" in the sense of the General Food Law.

Several MS stated however that food redistribution aims to prevent food waste and help meet the needs of the most deprived. Whilst EU guidelines may clarify the different activities making up "food redistribution" and the related responsibilities, it is important that this exercise provide legal clarity without creating additional barriers. The European Federation of Food Banks concurred with this view and added however that if these guidelines are to be suited to the needs of different countries, they may need to be more detailed.

In regard to the provision of food information to consumers, some MS welcomed the suggestion put forward by the Commission that food banks and other charity organisations be considered as "mass caterers", resulting in these organisations being considered as "final consumers" for the purpose of food information and labelling. This suggestion was made by the Commission to sound the views of MS and stakeholders with regard to this possible option which, in any case, would require further legal analysis.

DG SANTE food hygiene expert introduced the section of the working document outlining hygiene requirements applicable to food donation. He underlined in particular the specific obligations related to the redistribution of foods of animal origin including the need for most food business operators to obtain prior approval of the establishment concerned before the activity starts. While prior approval by competent

authorities is not required when retailers provide/sell foods of animal origin to the final consumer, the obligation arises when a retailer delivers such foods from one establishment to another (including to food banks or other charity organisations). Such an obligation is laid down in the more specific hygiene rules related to food of animal origin (Regulation No. 853/2004) which apply in this instance.

On the question as to whether a food bank which is willing to sort foods in view of the possible redistribution of edible elements (e.g. separating out a mouldy orange from a bag so that the remaining oranges can be donated), the Commission answered that EU food hygiene rules do not prohibit such practice as long as it can be ensured that the food which is redistributed is safe to eat (cf. page 19 of the working document).

DG SANTE outlined several issues relating to provision of food information to consumers. Member States discussed in particular practices relating to food redistribution after the "best before" date, a practice which is not prohibited by EU rules. In these instances it is up to the donor to assess the food's quality, on a case-by-case basis, and determine whether the food is still fit for use.

The interpretation of EU rules related to the distribution of foods past the "best before" date varies; a meeting participant indicated that practices differ for instance in the Nordic countries. Some MS indicated that guidance existed at national level giving indications as to how long different types/categories of foods can be redistributed after the "best before" date, with others stating that they would favour availability of such indicative guidance at EU level. On the other hand, some countries stated that the assessment as to whether a food can be redistributed past the "best before" date needs to be done on a case-by-case basis taking into account the food concerned, its quality, packaging integrity etc. and that this was under the responsibility of food banks.

A MS raised specifically the issue of freezing foods before the "use by" date in order to prolong their shelf-life and facilitate redistribution, and asked whether this matter could be addressed in the EU guidelines on food donation. Some MS stated that the practice was allowed at national level, in the context of food redistribution, provided that the food in question was frozen before the end of the "use by" date. Further information on MS practices in this area would be requested by the Commission in the context of its work on the food donation guidelines.

DG TAXUD explained how VAT rules apply to food redistribution as well as the possibility for MS to apply a different VAT regime (under Articles 16 and 74 of the VAT Directive) to food which is donated for charitable purposes. Some MS utilise other fiscal incentives to favour redistribution of safe, surplus food (e.g. tax deductions and/or tax credits), a matter of national competence.

DG EMPL outlined possibilities existing under the Fund for European Aid to the Most Deprived (FEAD) to provide financial support for food donation. The FEAD may finance the collection, transportation and distribution of donated food provided that this is foreseen in the operational programmes defined by each MS. Partner

organisations (public bodies or non-profit organisations) distributing donated food are reimbursed on the basis of actual costs which they have incurred and paid.

Rounding up the discussion on food donation, DK presented guidelines developed at national level to support food businesses in preventing food waste. A series of photos accompanied by practical instructions provides a quick guide for food businesses (e.g. supermarkets and restaurants) on what to do with food for which they are uncertain can be sold or used again within the food business. The "quick guide" developed in Denmark can be found here:

<https://www.foedevarestyrelsen.dk/Selvbetjening/Guides/Sider/Saadan-kan-virksomheden-undgaa-madspild.aspx>

Conclusions and next steps

In closing this agenda item the Commission thanked all participants for their contributions and asked that further written comments on the working document be sent by 15 July 2016. Following feedback received, the Commission will prepare a first draft of the EU guidelines on food donation. These will be sent to the MS Expert group on food losses and food waste as well as stakeholders, and would be subject for review and discussion at the first meeting of the EU Platform on Food Losses and Food Waste to be held in the autumn.

In closing the meeting, the Commission thanked all experts for their participation and contribution to the discussions throughout the day.