



SUMMARY REPORT

EU PLATFORM ON FOOD LOSSES & FOOD WASTE DG HEALTH AND FOOD SAFETY (SANTE) 1st meeting

*Brussels, 99-101 Rue Belliard (Jacques Delors building), JDE 51
29 November 2016 – From 9:30 to 18:00*

Chair: Sabine Jülicher, *Director, Food and feed safety, Innovation, DG SANTE*

Commission: Commissioner Andriukaitis, **DG SANTE:** Xavier Prats Monné, Alexandra Nikolakopoulou, Tim Gumbel, Anne-Laure Gassin, Bartosz Zambrzycki, Anastasia Alvizou, Athanasios Raikos, Kris De Smet; Wolfgang Trunk
DG AGRI: Olivier Diana; **DG ENV:** Silviya Aile; **DG ESTAT:** Karin Blumenthal;
DG EMPL: Plamen Kolev; **DG TAXUD:** Pia Michelsen; **RTD:** Stefan De Vos

Invited speakers: Mr Milan Lapsansky, Director General of the Section of Food Industry and Trade, Ministry of Agriculture and Rural Development of the Slovak Republic

Member States represented (27):

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

Private sector organisations:

AECOC: Asociación Española de Codificación Comercial; AIBI: International Association of Plant Bakers AISBL; BEUC: The European Consumer Organisation; BOROUME – "We Can"; City of Milan: Secretariat of the Milan Urban Food Policy Pact; COGECA: European Agri-Cooperatives; COPA: European Farmers; ECPA: European Crop Protection Association; ECSLA: European Cold Storage and Logistics Association; EDA: European Dairy Association; EFFPA: European Former Foodstuff Processors Association; EUCOFEL: European Fruit and Vegetables Trade Association; EUROCOMMERCE: the retail, wholesale and international trade representation to the EU; EURO COOP: European Community of Consumer Co-operatives; EUROPATAT: European Potato Trade Association; FEBA: European Federation of Food Banks; FEEDBACK GLOBAL; FEFAC: European Feed Manufacturers Federation; FOODCLOUD; FOODDRINKEUROPE; FOODSERVICEEUROPE; FRESHFEL: European Fresh Produce Association; FSE NETWORK: Food Surplus Entrepreneurs Europe; HCWH Europe: Health Care Without Harm; HFBA: Hungarian Food Bank Association; HOTREC: Hospitality Europe; IATA: International Air Transport Association; INDEPENDENT RETAIL EUROPE; LES RESTAURANTS DU COEUR;

OSTFOLD RESEARCH, Nofima and Matvett Consortium; SLOW FOOD; SP TECHNICAL RESEARCH INSTITUTE OF SWEDEN; STOP WASTING FOOD MOVEMENT DENMARK ("Stop Spild Af Mad"); UEAPME: European Association of Craft, Small and Medium Sized Enterprises; WAGENINGEN UR: Wageningen University & Research; WRAP: Waste and Resource Action Programme; ZERO WASTE SCOTLAND

Public entities:

COR – European Committee of the Regions; EESC - European Economic and Social Committee; UNEP – United Nations Environment Programme; OECD - Organisation for Economic Co-operation and Development; FAO – Food and Agriculture Organisation of the United Nations; ECA – European Court of Auditors

Observers:

EFTA: Norway; **Food SCP Roundtable:** European Food Sustainable Consumption and Production Round Table Secretariat

1. INTRODUCTION AND WELCOME TO PARTICIPANTS

The Chair, Ms. Sabine Jülicher, introduced herself and welcomed members to the first meeting of the EU Platform on Food Losses and Food Waste. She thanked speakers participating in this inaugural meeting, Commissioner Andriukaitis and Director General Milan Lapsansky, and also extended her thanks to the European Committee of Regions and to the European Economic and Social Committee for hosting the Platform's meeting in the Jacques Delors building.

The Chair then outlined the key role of the EU Platform on Food Losses and Food Waste, established as part of the Circular Economy Action Plan, as the EU's key forum to support food waste prevention. She stated that the Platform brought together both public and private interests and aims to foster cooperation, exchange of best practices and identification of new approaches and solutions, all along the food value chain, to support achievement of the Sustainable Development Goal (SDG) food waste targets 12.3).

The Chair went on to outline the agenda and the Commission's expectations with respect to the day's meeting as being to enable all participants to get to know each other, learn about ongoing initiatives and exchange views on key priorities. In the afternoon, 3 key deliverables from the Circular Economy "food waste prevention" action plan would be tabled for discussion with members.

After reminding members that the meeting was web streamed and welcoming viewers as well as media present in the room, the Chair gave the floor sequentially to the first three speakers (Commissioner Andriukaitis, Director General Milan Lapsansky and Alexandra Nikolakopoulou, Head of Unit DG SANTE), followed by a discussion with members.

2. PRESENTATIONS

2.1. Commissioner Vytenis Andriukaitis - Health and Food Safety: EU Platform on Food Losses and Food Waste – working together to reach Sustainable Development Goal 12.3 Food waste in the new organisation chart of DG SANTE

After recalling the significant economic, environmental and societal impact of food waste, Commissioner Andriukaitis underlined the importance of action by all players in support of the UN 2030 Sustainable Development Agenda. He outlined the key initiatives taken by the Commission to support food waste prevention as part of the Circular Economy Action Plan including the food waste measures introduced in the waste legislation proposal.

He ended with a strong call for action to all Platform members to make the EU the region leading global efforts to fight food waste with active national food waste prevention programmes in place in all countries and involving all key stakeholders. He thanked the Platform in advance for its active engagement expressing his certainty that the commitment, creativity and cooperation of participants would help build healthy and sustainable food systems where food waste is minimised and valued gained from food is maximised.

2.2. Mr Milan Lapsansky, Director General of the Section of Food Industry and Trade, Ministry of Agriculture and Rural Development of the Slovak Republic: commitment of Council of the EU to food waste prevention

In his intervention, Mr Lapsansky reiterated the commitment of Council to supporting food waste prevention in the EU, recalling the Council's conclusions on food losses and food waste adopted in June, the role of Member States in implementing food waste prevention measures and, in this context, actions taken by the Slovak Government including approval of a national strategy in October 2016. He also announced the preparation by the Slovak Presidency of a questionnaire sent to all Member States to explore food waste prevention initiatives undertaken at national level, in particular concerning food waste measurement, the results of which would be presented during the "exchange of views".

2.3. Operations and actions of the EU Platform on FLW – Commission perspective, by Ms. Alexandra Nikolakopoulou, Head of Unit, Food information and composition, food waste (DG SANTE)

Ms. Nikolakopoulou provided an overview of how the Platform would operate as well as its key deliverables. She stated that the exchange of food waste prevention initiatives and plans by members, supported by measurement and evidence, would be critical in order to utilise the Platform as an instrument to leverage learning and facilitate sharing of experience and adoption of food waste prevention solutions backed by real "business cases". She also further clarified that while the Platform would provide expert advice on deliverables related to the Circular Economy Action Plan, it was not a regulatory committee, and therefore its work was without prejudice to the role of relevant Standing

Committee and expert groups convened in the context of the preparation of delegated acts.

She informed that the Platform would meet twice yearly and gave indicative dates for meetings to be organised in 2017 (14 June and 7 November). She also indicated that the Commission planned to work in more depth on specific issues by convening sub-groups of the Platform, bringing together a maximum of 25 member organisations. Reflecting priorities set out in the Circular Economy Action Plan, the first sub-groups to be created would address the issues of: food waste measurement and food donation. Ms. Nikolakopoulou explained that the Commission would set up these groups based on the interest, expertise and prior work of Platform members and that, recognising the technical nature of these subject areas, member organisations invited to participate in such work could call upon other representatives from their organisations with more specialised knowledge and experience in the given fields.

In order to facilitate the direct contact and exchange of information between members, Ms. Nikolakopoulou informed the Platform that the Commission will establish a digital platform which would also facilitate the progress of work in key areas (e.g. creation of Knowledge Communities).

3. EXCHANGE OF VIEWS WITH PARTICIPANTS

In context of the exchange of views, the Chair invited Mr. Lapsansky to present an overview of the results from the questionnaire circulated by the Slovak Presidency on the subject of food waste prevention. According to the results presented, the majority of Member States have already adopted a national strategy to prevent food waste or are actively considering such strategy to be adopted in the near future. Issues such as the need for a common definition of food waste for measurement purposes, a common framework to facilitate the use of former foodstuffs, public awareness raising, promoting food donation as an effective tool to reduce food waste, and exchange of good practices in the food supply chain were identified as key challenges for the near future.

The discussion with participants on their expectations regarding the Platform's work and key issues to be addressed is summarised hereafter.

1. The need for a clear definition of food waste and harmonised methodology to measure food waste was raised by most speakers as well as the importance of ensuring coherence of EU and international efforts in this field. Several Members (IT, DK, HOTREC, COPA) also raised the issue of perception and the need to avoid stigmatizing definitions. Focussing on positive objectives and the related benefits of "saving food" rather than "reducing waste" is more productive to achieve behavioural changes and cooperation in the area of data collection and measurement.
2. In addition to the two sub-groups proposed by the Commission (food donation, food waste measurement), several members (FEFAC, Feedback Global, EFFPA) called for the creation of an additional sub-group to explore the effective and safe use of food resources/co-products for animal feed.
3. Many stakeholders (Stop Wasting Food Denmark, DK, UNEP, University of Wageningen, Ostfold/Nofina/Matvett consortium, WRAP and Zero Waste Scotland) underlined that the Platform should focus on implementation of actions to prevent

food waste and that a specific sub-group dedicated to "action and implementation" should be established. Such a group would help achieve change by: identifying where intervention is needed to prevent waste in the food value chain; sharing knowledge about what works and what does not; and exchanging information on future plans. In this context, Wageningen UR highlighted possible synergies with the work of Horizon 2020 project REFRESH to support development of "Frameworks for Action" and the role of business and social innovators in this regard. Several stakeholders highlighted the importance of driving change through incentives rather than regulation (IT, DK).

4. Issues relating to food losses and waste in primary production were raised by a number of stakeholders. Some (Slow Food, Feedback) stated that food waste prevention requires a "whole chain" approach and that overproduction leads inevitably to food waste. Slow Food highlighted the need to take into account a more systemic waste, that is planned surplus or waste before planting even begins, often associated with contract farming. Others pointed that food losses at farm level occur due to a variety of reasons, some of which cannot be controlled (e.g. weather) and many of which depend on the behaviour of actors across the whole food supply chain (COPA, Europatat, IT). Several Members underlined the need for further research and measurement of food loss and waste in primary production, including pre-farm gate (COPA, FAO, Zero Waste Scotland, WRAP, DK).
5. Some members stressed the need for policy coherence (OECD) as well as cooperation between actors across the whole food supply chain to implement change (WRAP, Wageningen UR).
6. The need to address "capacity building" has been raised mostly in the context of food donation (Hungarian Food Bank Association, FoodCloud, Feedback) as food banks and charity organisations do not necessarily have the means to deal with the growing amounts of food products which they receive for redistribution purposes. In this context the Hungarian Food Bank Association suggested the possible reformulation of the Fund for European Aid to the Most Deprived (FEAD) in order to move away from purchasing food for "food aid" but rather provide support for the redistribution of food surplus by food banks and other charity organisations (HFBA, Feedback). Several members highlighted the role of cooperation between industry sectors (Ostfold/Nofina/Matvett consortium, FDE, WRAP, Wageningen University) to implement food waste prevention programmes. "Co-ownership" can also address capacity issues; for instance Matvett, the Norwegian organisation charged with food waste prevention, is a non-profit organisation owned and co-financed by industry.
7. Some members referred to the importance of innovation to support optimisation of resource use and food waste prevention. The definition of new market opportunities and value generation in the food supply chain was raised in particular by COPA with FoodCloud pointing to the role of packaging innovation and ICT developments to support food redistribution efforts.
8. Other issues raised by members included date marking (for instance EUROCOMMERCE stated that no changes should be made to date marking rules without prior research) and in regard to food redistribution, the Restaurants du Coeur pointed out the need to address the nutritional quality of foods/donated meals and the importance of clear fiscal rules for economic actors.

Finally, the Commissioner wrapped up this part of the day, expressing hope that the Platform will be able to provide the necessary impulse and help to ensure cooperation and coordination of efforts.

The Chair thanked all participants for their open exchange of views. In regard to food waste definitions and measurement, she noted the points made by several members that the Commission and other actors consider how the perception of "waste" and waste materials can impact on stakeholder engagement in data collection and preventative action. She also reiterated the call from several stakeholders to take a systemic approach to food waste prevention and look at the role of the beginning of the chain in food waste generation.

In regard to sub-groups, the Chair clarified that the Commission's proposals were designed to support immediate actions laid down in the Circular Economy Action Plan. However, the call for a specific group on "action and implementation" would be addressed as part of the Platform's overall work to support progress towards Sustainable Development Goals and the possible establishment of a specific sub-group on the valorisation of agricultural co-products would be duly considered as a possible priority for the future. The Commission further reiterated its underlying position that any action taken to enhance resource efficiency must not compromise food and feed safety standards.

The Chair informed participants that all presentations would be published the following day and that, pending development by the Commission in 2017 of a digital platform to support communications between members, the Health and Food Safety Directorate-General (DG SANTE) would be happy to serve as a hub to help disseminate information amongst members.

4. DRAFT EU GUIDELINES ON FOOD DONATION (PRE-CIRCULATED): PRESENTATION BY ANNE-LAURE GASSIN (DG SANTE), PLAMEN KOLEV (DG EMPL), PIA MICHELSEN (DG TAXUD) AND DISCUSSION WITH PARTICIPANTS

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 while many issues can be addressed through the guidelines, not all can be actioned at EU level and that action at national level was also required. The Chair also pointed to a background document provided for this agenda item which illustrates how Member States address at national level some of the issues raised in the working document related to the preparation of EU food donation guidelines.

Following presentation of the working document by Commission officials, the Chair opened up the floor for questions and comments.

The charity organisation FoodCloud raised questions in relation to application of VAT to food donation, the practice of freezing foods in view of their redistribution and the possible use of FEAD funds to support food donation activities. OECD also raised a question regarding links with other policies and inquired whether synergies could be found with agricultural policies in relation to education on food waste prevention (eg

accompanying measures of the School milk and Fruit & Vegetable Schemes) and product availability for food donation (eg from market withdrawals).

Several stakeholders commented on the overall aim and format of the future EU guidelines. The Hungarian Food Bank Association (HFBA), for instance, proposed that these could show how the flexibility inherent in the EU regulatory framework can be applied to facilitate food donation. HFBA stated that national authorities in Member States may at times err on the side of caution when interpreting and implementing EU legislation and that, through practical examples, the EU guidelines could be utilised to illustrate what can (or cannot) be done. Echoing this comment, the Ostfold/Nofina/Matvett consortium suggested that Platform members might provide, in addition to their comments on the working document, practical questions which they would like to see addressed in the EU guidelines. These could then be utilised to develop a practical "Q&A" and/or examples to illustrate how EU rules apply to food redistribution. Denmark also offered to provide further concrete examples to support this work.

The Stop Wasting Food Movement queried whether the guidelines could not provide indicative timelines as to how long a product can be safely consumed past the "best before" date.

Italy took the floor to provide a concrete example of how Member States can implement rules and guidelines to facilitate food donation. In Italy, rules have been laid down for instance to ensure that VAT is not applied to food donation, specifying that such food products, whilst having value, have no price as such and hence are not subject to taxation. The guidelines on food donation established by charity organisations and validated by government authorities in Italy outline the roles and responsibilities of the various actors in relation to obligations under EU food law (food hygiene, food safety, food information to consumers...), giving a concrete example of the shared management of safe redistribution of foods between donors and receivers.

Answering questions raised in relation to VAT, the official from DG TAXUD concurred that it would indeed be too simplistic to state that the value of a donated food will always be zero, as this can only be the case when the product genuinely has no value.

The official from DG EMPL provided further explanation as to how the FEAD can support food donation, referring in particular to Article 26 (2d) of Regulation (EU) No 223/2014 relating to the financing of such activities. On the possible link with the Common Agricultural Policy, he stated that it is possible for Member States to obtain food from the use, processing or sale of products held in intervention stocks. He indicated that the Commission was currently developing the specific operating rules to be followed by Member States in such instances.

In regard to the issue of freezing, the DG SANTE official confirmed that the practice of freezing at the end of the supply chain (i.e. at retail) is not allowed under Regulation (EC) No 853/2004 relating to hygiene rules for food of animal origin. He underlined that there is a possibility for Member States to derogate from this EU rule provided that such activity is marginal, local and restricted and that such rules are notified to the Commission and to Member States. Given that, to the Commission's knowledge, there are no trade issues as such related to food donation in the EU, it seems appropriate that matters such as these are handled at national level.

With respect to the sorting of foods, the DG SANTE official reiterated that, in line with the general principles laid down in EU food hygiene rules, it is possible for a food business operator to sort foods in view of the redistribution of edible food provided that food safety is ensured.

With respect to date marking, A. Nikolakopoulou, confirmed that EU rules do not prohibit placing on the market of foods past the "best before" date. She recognised that some Member States do restrict the marketing of such foods and/or administer fines should they be found in stores. She also stated that some food business operators remove such products voluntarily from the market just to be "on the safe side". Ms. Nikolakopoulou further advised that while some Member States have provided guidance and/or legislation at national level with indicative timelines as to how long a given category of food can be placed on the market past the "best before" date, she questioned the value of undertaking similar action at EU level given that: 1) such rules already provide clarity at national level and 2) to the Commission's knowledge, there are no issues of intra-EU trade with respect to food donation.

In closing the discussion, the Chair thanked members for their comments and for the future input which they would provide (by 20 January). She stated that in considering the input received, the Commission would aim to push boundaries as far as what can be reasonably achieved within the current regulatory framework. She thanked in advance the sub-group that would contribute to the preparation of the guidelines and in this context noted the request from Spain to participate in this work.

5. FOOD WASTE MEASUREMENT: PRESENTATION BY BARTOSZ ZAMBRZYCKI (DG SANTE) AND DISCUSSION OF SCOPING PAPER IN VIEW OF ELABORATION OF EU METHODOLOGY (PRE-CIRCULATED)

The Chair recalled the morning's discussion where most members referred to the importance of food waste measurement and the related issue of food waste definitions as priority actions of the Platform for the near future.

Following the presentation of the working document by the Commission official, the Chair opened up the floor for questions and comments. Some participants (eg ES, EuroCommerce and SE stated that they would need more time to review the methodology outline and promised to provide comments later on).

ES pointed to the importance of using experience already gained by Member States and in this context referred to food waste quantification efforts carried out in Spain in primary production and households.

EuroCommerce asked for clarification about the expected role of the Waste Framework Directive (WFD) in helping to measure food waste. DG SANTE official explain the need for coherent and implementable methodology to quantify food waste consistently throughout the food supply chain as well as the need for mandatory separate collection of bio-waste (including food waste), which will greatly facilitate its monitoring.

WRAP underlined the importance of including inedible parts of food within the definitions and measurement framework for food waste and clear reference of when food material in the food supply chain can become "food waste" as indicated in the Commission's methodology outline.

HOTREC stressed that it is not only important to define "how" to measure food waste but also "who" is to measure food waste as this can influence the methodology. HOTREC gave examples of restaurants which are not able to measure food waste satisfactorily on a voluntary basis due to lack of resources. The second referred to the statement in the outline document concerning classification of food waste from streets as belonging to the hospitality sector. HOTREC was sceptical about this issue due to doubts about the origin of such food waste as well as the fact that such waste is generated by consumers and not by hospitality/food service sectors themselves. It should be made clear that food leaving the hospitality/food services sectors is not under the responsibility of the food business operator (FBOs). This issue was supported by FoodServiceEurope (FSE) who also suggested that monitoring should remain of a general nature as FBOs may not be able to handle detailed monitoring and reporting. The latter issue was also supported by Independent Retail Europe who stated that more general monitoring should be sufficient. IRE also called for a good definition of food waste and food loss.

FAO reiterated its role as lead UN agency on monitoring of the Sustainable Development Goals 12.3 target related to food waste and its commitment to cooperate with Commission and the Platform on further development of the methodology of calculation of food losses and waste. In this context FAO informed about planned events: expert consultations tentatively planned in February-March 2017 and a training seminar to be organised to inform about FAO efforts in this area.

SE expressed its support for the measurement of food waste and noted that measurement of the share of food derived from waste statistics as reported in the EU's Waste Statistics Regulation (e.g. household waste) is very ambitious. It suggested introduction of a specific code for food waste into the list of waste laid down in the Regulation. Sweden is interested in measuring food lost in primary production (not only that treated as waste) and would like to cooperate with the Commission on this matter, as further mapping of food resources is necessary.

Finally, the Restaurants du Coeur suggested the need to evaluate the value of donated food as a possible subject for further work for the Commission.

The Chair reiterated that the amendment of the Waste Framework Directive is a necessary step before the Commission can make a formal proposal regarding food waste measurement methodology. The Commission aims to kick-start this work through discussion in the Platform, and in particular through the dedicated sub-group, which will conduct more detailed discussions and keep the Platform informed of their results. The Chair confirmed the Commission's request to receive comments on the working document presenting an outline of a methodology to monitor food waste by 20 January.

6. EU GUIDELINES FOR USE OF FORMER FOODSTUFFS AS FEED (PRE-CIRCULATED): PRESENTATION BY WOLFGANG TRUNK (DG SANTE) OF GUIDELINES AND STATUS OF DISCUSSION WITH MEMBER STATE EXPERTS

Following a presentation of the objectives, current structure and some elements of the draft EU Guidelines to facilitate the use of former foodstuffs as feed, the Commission official explained the legal character of the guidelines and gave an indicative timeframe for the adoption as being the 2nd quarter 2017.

Two organisations provided comments on the presentation. The European Former Foodstuff Processors Association (EFFPA), as the stakeholder very closely involved with the issue, expressed satisfaction of the Commission's initiative, progress made to date and reiterated the need to continue pursuing a safety-based approach in further work. Secondly, a representative of the European Feed Manufacturers Association (FEFAC) repeated his call to set up a working group on feed which would further improve cooperation between the competent authorities from the feed and waste areas together with the stakeholders concerned; such a group could ascertain that the pioneer work done for the food to feed guidelines also expands to other important issues.

The Commission official invited the members of the Platform to deliver comments on the draft guidelines by 16 December (this deadline was later prolonged to 20 January 2017).

7. WRAPPING UP BY CHAIR AND CLOSING REMARKS BY DIRECTOR GENERAL XAVIER PRATS MONNÉ

The Chair summarized the meeting discussion and outcomes noting in particular the commitment and enthusiasm of Platform members to work together to prevent food waste and the value of exchange at EU level. She promised that the Commission would reflect on calls for setting up of additional sub-groups including the possible timeline for doing so as well other suggestions made by Members related to the Platform's focus and work. The Chair recalled the main aim of the Platform, that is to share best practices (especially those whose results have been evaluated) and avoid duplication of bad experiences. Moreover, the Platform should help identify where EU-level intervention may add value. The digital platform to facilitate communication between the Members is to be set up in 2017; in the meantime the Commission will distribute among the Members any documents and information received. The first priorities remain the immediate key deliverables from the Circular Economy Action Plan discussed at the Platform's first meeting: that is, the EU food donation guidelines and elaboration of a methodology to measure food waste. Members were requested to provide comments on working documents presented by the Commission by 20 January. Concerning the EU guidelines on the use of former foodstuffs, the comments are to be provided by mid-December (this deadline was later prolonged to 20 January 2017).

Finally, the Chair gave the floor to the Director General of DG SANTE, Mr. Xavier Prats Monné. The Director General welcomed the inclusion of food waste prevention and other food-related targets in the global Sustainable Development Agenda. He welcomed the establishment of the Platform as a key instrument to support the EU's progress towards the global food waste reduction target and looked forward to the contribution of the Platform in this regard. He expressed hope that the Platform and its members will provide input as to what can be improved at EU level and that the Platform can effectively engage stakeholders representing very different interests. Mr Prats Monné underlined the importance of measurement of food waste in order to assess the effectiveness of related policies but also improving how business operates on a day-to-day basis.

Finally, he reiterated the Commission's commitment to pursue action on food waste prevention and its readiness to analyse proposals coming from the Platform and implement them where justified.

Before closing the meeting, the Chair advised that the preliminary date for the next meeting of the Platform would be 14 June 2017 and thanked members for their active participation throughout the day.