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**NOTE**

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From: General Secretariat of the Council  
To: Delegations

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Subject: Food losses and food waste: assessment of progress made in  
implementing the Council conclusions adopted on 28 June 2016  
– *Information from the Presidency and the Commission*

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Delegations will find in Annex an information note prepared by the Presidency on the above mentioned subject.

## **Food losses and food waste**

### **Assessment of progress made in implementing the Council conclusions adopted on 28 June 2016**

Information from the Presidency

#### **I. INTRODUCTION**

1. On 28 June 2016, the Council of the European Union adopted conclusions on food losses and food waste<sup>1</sup> in which it called on the Member States (points 18.1. to 18.8) and the Commission (points 19.1 to 19.7) to take further action. In its conclusions, the Council also stated that progress made in implementing the measures recommended should be assessed periodically.
2. A first assessment took place in 2018 under the Bulgarian Presidency<sup>2</sup>. This assessment and an exchange of views at the Agriculture and Fisheries Council meeting of 16 April 2018 showed that good progress had been made overall, with aspects such as the development of national strategies and legislation and the setting up of multi-actor partnerships considered particularly worthy of mention. Some Member States were of the opinion that more needed to be done in areas such as the measurement of food losses and food waste, the provision of information to consumers and date marking.
3. For this second periodical assessment, the German Presidency has prepared an overview of progress made on the basis of contributions sent in by all Member States (Appendix 1 to this document) and has received a contribution from the Commission (Appendix 2 to this document).

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<sup>1</sup> [10730/16](#), p. 12.

<sup>2</sup> [6659/18](#).

## II. BACKGROUND

4. The United Nations' 2030 Agenda for Sustainable Development sets the target of halving per capita global food waste at the retail and consumer levels by 2030 and reducing food losses along the production and supply chain, including post-harvest losses, as Sustainable Development Goal (SDG) 12.3<sup>3</sup>. The EU and its Member States are committed to this objective<sup>4</sup>.
5. On 19 December 2019, the United Nations General Assembly designated 29 September 2020 as the first International Day of Awareness of Food Loss and Waste<sup>5</sup>. Joint action has been taken worldwide to raise awareness among the general public and help find solutions in order to meet SDG 12.3<sup>6</sup>.
6. Around 87.6 million tonnes of food losses and food waste are generated in the EU every year – roughly 173 kg per person. More than half is generated in households, while considerably less comes from processing (around 19 %), food service (around 12 %), primary production (around 11 %) and wholesale and retail (around 5 %)<sup>7</sup>.

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<sup>3</sup> <https://www.un.org/sustainabledevelopment/sustainable-consumption-production/>.

<sup>4</sup> See, inter alia, Communication from the Commission on the European Green Deal ([15051/19](#)) and Council conclusions on the Farm to Fork Strategy ([12099/20](#)).

<sup>5</sup> <http://www.fao.org/platform-food-loss-waste/news/detail/en/c/1300394/>.

<sup>6</sup> See [newsletter from the EU Platform on Food Losses and Food Waste Special edition](#) – International Day of Awareness of Food Loss and Waste 2020.

<sup>7</sup> See [Fusions, 2016](#).

### III. STATE OF PLAY IN THE EU

7. Article 4 of Directive 2008/98/EC on waste<sup>8</sup> establishes the hierarchy that should apply as a priority order in waste prevention and management legislation and policy. The top priority in the waste hierarchy is to prevent food losses and waste. Only where food losses and waste cannot be prevented is the aim to promote reuse and recycling.

Directive (EU) 2018/851<sup>9</sup>, which amended Directive 2008/98/EC on waste, reaffirmed Member States' commitment to promoting the prevention and reduction of food waste in line with SDG 12.3, and set an indicative EU-wide food waste reduction target<sup>10</sup>. In addition, it required Member States to take specific measures to reduce food waste, create incentives for the donation of unsold food that is still edible, raise consumer awareness of the meaning of 'use by' and 'best before' dates, and measure and report on progress in reducing food waste.

All Member States have adopted varied legislative and non-legislative national measures to reduce food loss and waste (see Appendix 1 to this document) and continue to integrate them into their national strategies or legal framework as part of an ongoing process of reducing food loss and waste. The waste management hierarchy featured particularly strongly in the measures introduced by Member States.

Most Member States have taken different measures at national level to encourage food donation. Examples of these include reducing VAT rates for donated food, revising legislation promoting food donations and providing support to food banks and non-profit organisations that distribute donated food.

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<sup>8</sup> [Directive 2008/98/EC](#) of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

<sup>9</sup> [Directive \(EU\) 2018/851](#) of the European Parliament and of the Council of 30 May 2018 amending Directive 2008/98/EC on waste (OJ L 150, 14.6.2018, p. 109).

<sup>10</sup> See recital 31.

Furthermore, in June 2020 the Commission published guidance on food safety management systems for food retail activities, including food donations<sup>11</sup> on the basis of a scientific opinion from the European Food Safety Authority. The guidance provides food business operators with information on how to identify foods eligible for donation. The revised EU hygiene legislation is expected to further clarify food hygiene requirements for food donations, in order to encourage the donation of food while also ensuring food safety.

8. Commission Delegated Decision (EU) 2019/1597<sup>12</sup> and Commission Implementing Decision (EU) 2019/2000<sup>13</sup> provide details on how to comply with the obligation to report food waste imposed by the above-mentioned Directive. They specify a common data collection methodology, define minimum quality requirements for measurement and set out a suitable format for reporting and for the submission of quality check reports.

Most Member States are looking forward to continuing discussion of the challenges encountered during their ongoing work to implement appropriate national measurement methods and define a baseline.

9. In December 2019, the EU Platform on Food Losses and Food Waste<sup>14</sup> adopted recommendations for action to prevent food waste<sup>15</sup>. These include proposals for cross-sectoral and sector-specific measures that public and private sector bodies can take to help meet SDG 12.3. This means that all actors – from producers to households – are addressed and also called upon to work together more.

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<sup>11</sup> [OJ C 199, 12.6.2020, p. 1.](#)

<sup>12</sup> [Commission Delegated Decision \(EU\) 2019/1597](#) of 3 May 2019 supplementing Directive 2008/98/EC of the European Parliament and of the Council as regards a common methodology and minimum quality requirements for the uniform measurement of levels of food waste (OJ L 248, 27.9.2019, p. 77).

<sup>13</sup> [Commission Implementing Decision \(EU\) 2019/2000](#) of 28 November 2019 laying down a format for reporting of data on food waste and for submission of the quality check report in accordance with Directive 2008/98/EC of the European Parliament and of the Council (OJ L 310, 2.12.2019, p. 39).

<sup>14</sup> The [EU Platform on Food Losses and Food Waste \(FLW\)](#) was established in 2016, bringing together EU institutions, experts from EU countries and stakeholders selected through an open call for applications. The Platform aims to support all actors in defining measures needed to prevent food waste, sharing best practice and evaluating progress made over time.

<sup>15</sup> [EU Platform on Food Losses and Food Waste recommendations for action.](#)

Member States have benefited from the information provided and the exchange of experience made possible by the EU Platform on Food Losses and Food Waste and its sub-groups on food waste measurement<sup>16</sup>, food donation<sup>17</sup>, date marking<sup>18</sup>, and action and implementation<sup>19</sup>. These have often served to inspire national activities to reduce food losses and waste.

10. In addition, the results of the EU-sponsored research project REFRESH, which came to a close in 2019, may spur the development of new or adapted policies at EU and national level. The project's results included the development of voluntary agreements to reduce food losses and food waste in five pilot countries, the formulation of policy recommendations and the development of technological innovations for the reuse of by-products and food surpluses. The work also involved estimating how environmental factors can influence food losses and waste and extensively observing consumer behaviour in order to develop effective measures to promote behavioural change<sup>20</sup>.
11. The Commission tabled the European Green Deal on 11 December 2019<sup>21</sup>, the Circular Economy Action Plan on 11 March 2020<sup>22</sup>, the Farm to Fork Strategy and the Biodiversity Strategy on 20 May 2020<sup>23</sup>, thus driving efforts to tackle climate and environmental policy issues, including the EU's commitment to halving per capita food waste at retail and consumer levels by 2030.

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<sup>16</sup> [https://ec.europa.eu/food/safety/food\\_waste/eu\\_actions/food-waste-measurement\\_en](https://ec.europa.eu/food/safety/food_waste/eu_actions/food-waste-measurement_en).

<sup>17</sup> [https://ec.europa.eu/food/safety/food\\_waste/eu\\_actions/food-donation\\_en](https://ec.europa.eu/food/safety/food_waste/eu_actions/food-donation_en).

<sup>18</sup> [https://ec.europa.eu/food/safety/food\\_waste/eu\\_actions/date\\_marking\\_en](https://ec.europa.eu/food/safety/food_waste/eu_actions/date_marking_en).

<sup>19</sup> [https://ec.europa.eu/food/safety/food\\_waste/eu\\_actions/action-implementation\\_en](https://ec.europa.eu/food/safety/food_waste/eu_actions/action-implementation_en).

<sup>20</sup> <https://eu-refresh.org/>.

<sup>21</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, The European Green Deal, [15051/19](#).

<sup>22</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, A new Circular Economy Action Plan for a cleaner and more competitive Europe, [6766/20](#) + [ADD 1](#).

<sup>23</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system, [8280/20](#) + [ADD 1](#) - and Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, EU Biodiversity Strategy for 2030, Bringing nature back into our lives, [8219/20](#) + [ADD 1](#).

The Commission will use the new EU methodology for measuring food losses and waste and the data expected from Member States in 2022 as the basis for setting a reference value and proposing legally binding reduction targets. The need for such targets was also highlighted by the European Parliament in its resolution on the European Green Deal<sup>24</sup>, which also stresses the need for ambitious action to tackle climate change and the accompanying environmental challenges and calls for measures to be taken to reduce food waste.

12. In the Farm to Fork Strategy, the Commission stated that it intends to develop a deeper understanding of food losses at the production stage and promote coordinated action at EU level.

In addition, the Commission suggested reviewing EU rules on ‘best before’ and ‘use by’ dates on the basis of scientific evidence, including data collected and analysed by the European Food Safety Authority. Member States will be involved in the reflection process through the EU Platform on Food Losses and Food Waste’s sub-group on date marking. Several have already expressed an interest in continuing the dialogue on this subject.

The Farm to Fork Strategy also aims to improve the integration of measures to reduce food losses and waste into other policy areas at EU level, a process which is also taking place in many Member States. For example, tools from the common agricultural policy and the common fisheries policy can be used to encourage the use of less waste-intensive production and processing methods. Also worthy of note is that the impact assessment for Directive (EU) 2019/633 on unfair trading practices in business-to-business relationships in the agricultural and food supply chain<sup>25</sup> concluded that some of the trading practices that have now been banned lead to food losses and waste<sup>26</sup>.

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<sup>24</sup> European Parliament resolution of 15 January 2020 on the European Green Deal ([P9\\_TA\(2020\)0005](#)).

<sup>25</sup> Directive (EU) 2019/633 of the European Parliament and of the Council of 17 April 2019 on unfair trading practices in business-to-business relationships in the agricultural and food supply chain ([OJ L 111, 25.4.2019, p. 59](#)).

<sup>26</sup> See [SWD\(2018\) 92 final](#).

In conclusions on the Farm to Fork Strategy approved on 19 October 2020<sup>27</sup>, the Council welcomed the Commission's proposals to prevent or reduce food losses and food waste.

#### **IV. IMPACT OF THE COVID-19 PANDEMIC**

13. The EU and its Member States have taken comprehensive measures to mitigate the negative impact of the COVID-19 pandemic on the food supply chain. Furthermore, members of the EU Platform on Food Losses and Food Waste have shared information about their strategies for managing the pandemic<sup>28</sup>.
14. Member States have not yet been able to fully quantify the effects of the COVID-19 pandemic on food losses and food waste. Many Member States have, however, already taken steps to reduce its impact, in order to minimise the food losses and waste caused by changes in consumption patterns and to ensure that donated food continues to reach those who need it.

#### **V. OUTLOOK**

15. In assessing the progress made in implementing the measures recommended in the Council conclusions, the Presidency expects to give the Member States and the Commission a new impetus to continue working to reduce food losses and food waste and thus to contribute to achieving SDG 12.3. Given the outcome of this assessment, the Presidency is confident that the commitment, good cooperation and intensive exchange of information and experiences at national and EU level will continue.
16. The first comparable results from the measurement of food losses and food waste generated in the Member States will be available in summer 2022, for the year 2020. The Presidency considers that they could provide a basis for reviewing the action taken to date and developing any new measures needed. It would also be the opportunity for a new assessment of the progress made in the implementation of the 2016 Council conclusions.

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<sup>27</sup> See [12099/20](#).

<sup>28</sup> [Newsletter April 2020](#).



PROGRESS MADE BY MEMBER STATES IN IMPLEMENTING THE 2016 COUNCIL CONCLUSIONS  
(Based on contributions from the Member States)

18	<i>CALLS UPON THE MEMBER STATES TO:</i>	IMPLEMENTATION STATUS IN 2020
18.1	<i>Confirm their commitment to the achievement of SDG 12.3, agreed by all global actors within the framework of the 2030 Agenda for Sustainable Development at the UNGA, while recognising the integrated nature of the SDGs.</i>	<p>All Member States confirmed their support for achieving SDG 12.3 during the previous review of progress in implementing the Council conclusions on food losses and food waste.</p> <p>Almost all Member States have adopted national strategies, other non-legislative instruments or legislation to reduce food losses and food waste and those that have not plan to do so soon.</p> <p>As a rule, these strategies and/or laws are closely connected to general programmes for waste prevention, waste management or promotion of the circular economy, or to relevant legislation.</p> <p>Not all Member States have set specific national reduction targets as yet. Among the reasons given for this are that targets are to be set as part of a strategy development process that has not yet been completed, or that targets not specified in SDG 12.3 are to be developed in dialogue with stakeholders.</p>

18.2	<p><i>Welcome the outcomes of the FUSIONS project, e.g. developing a common and practical EU monitoring protocol for measuring food loss and waste reduction (paragraph 16), and the methodologies developed by Member States to measure food losses and waste, in order to use these experiences as a scientific basis and starting point for further discussions on harmonisation of measuring food loss and waste reduction.</i></p>	<p>Most Member States have not yet finished implementing a methodology for reporting levels of food waste generated in accordance with Commission Delegated Decision (EU) 2019/1597 and Commission Implementing Decision (EU) 2019/2000.</p> <p>The approach taken varies among Member States, with some developing the methodology in a working group and others through studies or projects. In some cases, this work consists of adapting existing data collection methods to fit the requirements of the above-mentioned decisions, and taking the practical and technical steps necessary to collect the data.</p> <p>The establishment of a baseline, and hence data for use as a starting point to determine whether the target has been met, is another step that most Member States have yet to complete. In many cases, however, partial results for individual sectors are available from other studies. In addition, some Member States collect the data for the Eurostat food waste plug-in, which provides information about the amount of waste that can also contain food waste. Some Member States aim to use the first set of data collected in accordance with the Commission Decisions to establish the baseline.</p>
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18.3	<p><i>Actively contribute to the EU Platform on Food Losses and Food Waste, which brings together Member States and all actors in the food chain, including non-governmental organisations, and will be established as part of the EU action plan to promote the circular economy, in order to monitor progress towards SDG 12.3 by helping to define measures needed to prevent food waste in the EU, reporting about the situation at national level and sharing best practices informed by evidence on reduction of food losses and waste.</i></p>	<p>All Member States welcome the opportunity to exchange experiences through the EU Platform on Food Losses and Food Waste.</p> <p>In several cases, the information and examples of best practices given on the Platform website and the recommendations the Platform has adopted on food waste prevention measures have spurred national activities in areas such as the development of strategies, the measurement of food losses and food waste, approaches to food donation that also ensure food safety, and the management of date marking.</p> <p>Exchanges between Platform members were continued bilaterally in some cases.</p> <p>When it comes to deciding on future topics for the Platform, Member States' needs vary. Several argued that the topics examined so far, including consumption patterns, the measurement of food waste for the reporting required under Commission Delegated Decision (EU) 2019/1597 and Commission Implementing Decision (EU) 2019/2000, and date marking, should be kept in focus<sup>29</sup>. It was also felt that these topics should be linked, inter alia, to the Farm to Fork Strategy.</p>
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<sup>29</sup> Other more specific topics referred to by Member States were, for example, the way in which the ingredient industry, EU legislation for feed and technical products, the EU Bioeconomy Strategy and the Biobased Industries Consortium can contribute to preventing food waste.

18.4	<p><i>Encourage implementation of the waste management hierarchy and the food use hierarchy, by prioritising prevention of food losses and waste, reuse of safe and nutritious food suitable for human consumption that might otherwise be wasted, recovery of food resources for animal feed, where it is safe to do so, and diversion of unavoidable food losses and waste from disposal to, in a priority order, recycling and other forms of recovery, including through use in bio-based materials, aerobic digestion and energy recovery.</i></p>	<p>Most Member States have integrated the waste management hierarchy into their national legislative or non-legislative measures, as proposed by the conclusions. In many Member States, this includes providing support to help economic operators and other stakeholders put the waste management hierarchy into practice.</p> <p>The measures introduced by Member States are designed, first and foremost, to help achieve the priority objective of the waste management hierarchy, which is the prevention of food loss and waste. In addition, many take the form of measures to promote food donation, such as:</p> <ul style="list-style-type: none"> <li>• reducing VAT rates for donated food,</li> <li>• imposing a legal obligation on businesses over a certain size to donate unsold food,</li> <li>• reviewing other legal bases relating to food donations,</li> <li>• providing financial or other support to food banks and non-profit organisations that distribute donated food,</li> <li>• publishing explanations of the legal and administrative framework for food donations and related food safety regulations.</li> </ul> <p>Where neither avoiding food loss and waste nor donating food for human consumption is an option, the waste management hierarchy provides for the use of food losses and waste as feed. This opportunity could be developed by most of the Member States.</p> <p>Some Member States consider that the EU could implement further measures to facilitate the</p>
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		<p>practical application of the waste hierarchy and the food use hierarchy. Suggestions from individual Member States include:</p> <ul style="list-style-type: none"> <li>• adjusting or providing more specific information on the rules applicable throughout the EU on food donations and the related provisions set out in food hygiene law,</li> <li>• giving additional examples of best practice,</li> <li>• adopting measures to reduce unfair trading practices,</li> <li>• ensuring better use of date indications, and</li> <li>• developing EU-wide information materials and campaigns aimed at consumers.</li> </ul>
18.5	<p><i>Support education and awareness-raising among the population on sustainable food production processes, the resources required, consumption and food losses and waste.</i></p>	<p>All Member States have measures in place to inform consumers about the multifaceted issue of food losses and food waste. A wide range of such measures have been taken, with Member States opting for different types of media (including printed material, social media, television advertisements and seminars) to communicate their message.</p> <p>One of the areas of focus of the measures introduced in most Member States is date marking and the appropriate handling of ‘best before’ and ‘use by’ dates. Other topics on which information is provided include: how to buy the right amount for one’s needs, sustainable consumption patterns and food storage. Several Member States have grouped their measures into specific campaigns targeted at reducing food losses and food waste. In some other Member States, the measures designed to inform consumers about food losses and food waste</p>

		<p>form part of wider information campaigns on matters such as the climate, the environment, waste and nutrition.</p> <p>The issue of food losses and food waste has more often been incorporated into school education than into vocational education and further training. Although the reduction of food losses and food waste is not generally an official component of curricula, the usual practice is to make educational materials available for use by students.</p> <p>In some Member States, competitions are organised, including in schools, with prizes awarded to the best initiatives for reducing food losses and food waste.</p> <p>Research into consumer behaviour as regards food waste is being carried out in some Member States. Some of the research activities are linked to measures to prepare for reporting under Commission Delegated Decision (EU) 2019/1597 and Commission Implementing Decision (EU) 2019/2000.</p>
18.6	<p><i>Aim to reduce food losses and waste and valorise food resources from primary production through</i></p> <p><i>to consumption, in line with the waste management hierarchy and the food use hierarchy, making use of the tools available at EU level, including those under the</i></p>	<p>The 2018 review of progress in implementing the Council conclusions on food losses and food waste showed that some Member States make use of instruments available at EU level, for example within the common agricultural policy, which are general in character and not restricted to food loss and food waste reduction, to ensure that best use is made of resources.</p> <p>Many Member States also adopt a holistic approach at national level, and take food loss and food waste reduction into account in other areas of activity as well. In addition to overarching waste prevention and waste management measures (see 18.1), these include measures in the</p>

	<p><i>Common Agricultural Policy, research and innovation policy, and the European Innovation Partnership (EIP).</i></p>	<p>following policy areas: the bioeconomy, climate, the environment, food, agriculture, the economy and health.</p> <p>There are research projects being conducted in some Member States on the following specific topics:</p> <ul style="list-style-type: none"> <li>• avoiding food losses by increasing efficiency and using by-products in the processing stage,</li> <li>• date marking,</li> <li>• marketing standards,</li> <li>• food packaging and storage,</li> <li>• food distribution and food banks,</li> <li>• food waste in the restaurant and catering sector, and</li> <li>• consumer behaviour.</li> </ul> <p>Member States could further develop research activities on the use of artificial intelligence to reduce food losses and food waste.</p>
18.7	<p><i>Put the issue of food loss and waste reduction on the agenda of the various actors of the food value chain, and promote inter-sectorial cooperation to prevent food</i></p>	<p>Most Member States have adopted a participative, voluntary approach to food loss and food waste reduction, involving a wide range of stakeholders in their work. Member States are doing this in various ways, including through regular meetings, structured consultation processes, voluntary agreements and/or the involvement of stakeholders in existing projects or</p>

	<p><i>losses and waste from farm to fork. Obtaining better data on food losses and food waste, including in the agricultural sector, and detecting possible problems and opportunities, albeit without placing an additional administrative burden on farmers, is an important first step in terms of developing targeted action.</i></p>	<p>measures.</p> <p>Most Member States that indicated that cooperation with stakeholders has yet to be institutionalised stated that they intend to take this aspect into account in the future.</p>
18.8	<p><i>Take into account food losses and waste issues in discussions and initiatives on using raw materials more sustainably.</i></p>	<p>Many Member States have developed ways of supporting innovative approaches through which to avoid food losses and food waste and thus contribute to the sustainable use of resources. A range of funding instruments are used for this purpose, designed mostly to provide general support for the circular economy, the bioeconomy and the use of by-products, and to promote investment and support SMEs.</p>



## ADDITIONAL ASPECTS

### 1. Measurement of, and measures to reduce, food losses

As part of this assessment, some Member States mentioned measures, which already take into account certain aspects of food losses, specifically.

Other Member States will measure food losses for the first time as part of EU reporting under Commission Delegated Decision (EU) 2019/1597 and Commission Implementing Decision (EU) 2019/2000.

### 2. Legislative and non-legislative measures to reduce food losses and food waste

Almost all Member States use non-legislative tools to reduce food losses and food waste. These include national strategies, multi-stakeholder dialogues, voluntary agreements and information and awareness-raising campaigns. In most cases, only certain aspects, for instance regulations governing food donations and food safety, are legislative in character. An exception worth mentioning is the example of one law, which focuses simultaneously on different aspects of dealing with food losses and waste, such as improving the reuse of food surplus, informing consumers, encouraging food donations, facilitating consultation processes and funding innovative projects.

### 3. Impact of the COVID-19 pandemic

To date, Member States have had varying experiences in terms of the impact of the COVID-19 pandemic on food losses and food waste. Although the impact has not yet been measured and evaluated in most Member States, the following effects in particular have already been observed or are expected:

- increased food waste in households due to purchases not always being needs-based;

- purchases sometimes, on the other hand, being planned more carefully due to changes in living conditions;
- increased food surplus due to the compulsory closure of restaurants and catering facilities, or, on the contrary, reduced food donations, due to closed restaurants and catering facilities not generating unsold food which could be donated;
- disruption to procedures at food banks and other charity organisations which distribute donated food due to the absence of volunteers, who are often elderly people at high risk with regards to COVID-19 who therefore need to avoid exposure; and
- reduced willingness on the part of companies to take part in voluntary schemes to measure and/or reduce food losses and food waste, due to the fact that they are having to cope with other challenges posed by the pandemic.

To overcome these challenges, the Member States have, for example:

- stepped up appeals for the public to buy food as and when it is needed, and provided information on the storage of food;
- published guidance and introduced support measures for food donations and, where necessary, adapted related regulatory measures to ensure food safety;
- made available online tools such as business-to-business marketplaces to directly connect companies which supply or wish to obtain food.

In addition, many measures have been taken which focus not only on the impact of the pandemic on food losses and food waste but also on the food supply chain as a whole. These include measures to combat food shortages and financial support for producers that have been affected (e.g. by reduced demand for their products owing to the closure of restaurants and catering facilities).

**FOOD LOSSES AND FOOD WASTE: ASSESSMENT OF THE PROGRESS MADE  
ON THE IMPLEMENTATION OF THE 2016 COUNCIL CONCLUSIONS  
INFORMATION FROM THE COMMISSION - 2020**

Upon invitation of the German Presidency, the Commission provides hereafter information on the progress made on the points in the Council conclusions on Food losses and food waste, adopted by the Council at its 3479th meeting held on 28 June 2016 (10730/16), where the Commission is called upon for action (points 19.1 to 19.7). This update builds on the information presented at the Council meeting of 28 March 2018 (6559/18) in the context of the first progress review undertaken under the Bulgarian Presidency.

**GENERAL REMARKS**

The EU and its Member States are committed to meet the food loss and waste reduction targets adopted by the United Nations General Assembly as part of the 2030 Sustainable Development Agenda. In order to support the achievement of the Sustainable Development Goal (SDG) Target 12.3 on food loss and waste and maximise the contribution of the European Union, the Commission has put in place a dedicated EU action plan since 2015. Food waste prevention was singled out as a priority area in the 2015 Circular Economy Action Plan<sup>1</sup>, including both legislative and non-legislative initiatives, which have all been implemented.

Reducing food losses and food waste will be pursued as a key action strand in the European Commission's new Farm to Fork Strategy for a fair, healthy and environmentally friendly food system<sup>2</sup>, adopted as part of the European Green Deal<sup>3</sup>. The strategy puts forward ambitious proposals to establish legally binding targets to reduce food waste across the EU by 2023 and to revise EU rules on date marking by 2022. The Commission will seek to scale up action across the EU, mobilising Member States, food businesses and civil society, notably through the work of the EU Platform on Food Losses and Food Waste and encouraging uptake of its recommendations for action<sup>4</sup> by all players.

The Commission remains committed to further strengthen the activities of the EU Platform on Food Losses and Food Waste, which is a key forum at EU level to exchange, assess and monitor policy activities put in place in relation to food loss and waste prevention by relevant public and private stakeholders.

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<sup>1</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Closing the loop - An EU action plan for the Circular Economy, COM/2015/0614 final

<sup>2</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system, COM/2020/381 final

<sup>3</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions European Green Deal, COM/2019/640 final

<sup>4</sup> [https://ec.europa.eu/food/sites/food/files/safety/docs/fs\\_eu-actions\\_action\\_platform\\_key-recs\\_en.pdf?wtclear=laco](https://ec.europa.eu/food/sites/food/files/safety/docs/fs_eu-actions_action_platform_key-recs_en.pdf?wtclear=laco)

## A. SPECIFIC INFORMATION

- I. **Information on the progress made as to the Council conclusions on Food losses and food waste adopted by the Council at its 3479th meeting held on 28 June 2016 (10730/16) where the Commission is called upon for action (points 19.1 to 19.7). This overview takes into account, information presented at the Council meeting of 28 March 2018 (6559/18), in the context of the first progress review undertaken under the Bulgarian Presidency.**

### 19. CALLS UPON THE COMMISSION TO:

**19.1 Use the lessons learned and deliverables from the FUSIONS project (paragraph 16), considering other research projects (e.g. Eurostat food waste plug-in) and experiences with methodologies by Member States as a scientific basis and starting point to design a common and practical EU protocol that defines food waste and how to quantify it at each stage in the food supply chain for waste reduction purposes, as set out in the EU action plan for the Circular Economy, and taking into consideration the Food Loss and Waste Accounting and Reporting Standard (June 2016), the experience of actors in food waste quantification, and the necessity to minimise the administrative burden for Member States.**

#### **Input of the Commission in 2020**

The amended Waste Framework Directive<sup>5</sup> has empowered the Commission to adopt, by way of a delegated act, a harmonised methodology to quantify food waste along the food supply chain according to a common definition for food waste.

Building on the work of the FUSIONS project, the Commission adopted, on 3 May 2019, a Delegated Decision<sup>6</sup> establishing a common EU methodology to measure food waste. The implementation of the delegated act is supported by the Commission's Implementing Decision<sup>7</sup>, adopted on 28 November 2019, laying down a format and a quality check report for reporting data on the levels of food waste generated in the Member States. Both acts were discussed and prepared in consultation with the Commission Expert Group on Food Losses and Food Waste<sup>8</sup> as well as the Expert Group on waste. The EU methodology provides for a range of methods that can be utilised by Member States to measure food waste at each stage of the food supply chain in order to take into account any national specificities and prior experience in this field. The Commission is closely following the implementation of the new legislation and aims to organise regular exchanges with Member States to discuss challenges, support practical implementation and share experience, such as the webinar on food waste measurement<sup>9</sup> held on 26 June 2020. Using the new methodology for measuring food waste

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<sup>5</sup> Directive (EU) 2018/851 of the European Parliament and of the Council of 30 May 2018 amending Directive 2008/98/EC on waste, OJ L 150, 14.6.2018, p. 109

<sup>6</sup> Commission Delegated Decision (EU) 2019/1597 of 3 May 2019 supplementing Directive 2008/98/EC of the European Parliament and of the Council as regards a common methodology and minimum quality requirements for the uniform measurement of levels of food waste, C/2019/3211, OJ L 248, 27.9.2019, p. 77

<sup>7</sup> Commission Implementing Decision (EU) 2019/2000 of 28 November 2019 laying down a format for reporting of data on food waste and for submission of the quality check report in accordance with Directive 2008/98/EC, OJ L 310, 2.12.2019, p.39

<sup>8</sup> <http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetail&groupID=3189>

<sup>9</sup> [https://ec.europa.eu/food/sites/food/files/safety/docs/fw\\_eu-platform\\_20200626\\_fwm-webinar\\_agenda.pdf](https://ec.europa.eu/food/sites/food/files/safety/docs/fw_eu-platform_20200626_fwm-webinar_agenda.pdf)

and the data expected from Member States in 2022, the Commission will set a baseline and propose legally binding targets to reduce food waste across the EU<sup>10</sup> by 2023.

The Commission is also continuing its exchange and cooperation with the Food and Agriculture Organisation as regards the development of global indicators to monitor food loss and waste in the context of the UN Sustainable Development Goal 12.3. (See answer to 19.7 for more details on international cooperation).

**19.2 Include the following objectives in the future examination of EU policies and legislation, such as the fitness check on the General Food Law within the framework of the Better Regulation Initiative:**

- **better integrate the prevention of food losses and waste throughout the value chain;**
- **better valorise biomass, when food is no longer fit for use in the food and feed chain;**
- **minimise the potential negative impact on food losses and waste of existing policies and regulations, without prejudice to their original aims.**

#### **Input of the Commission in 2020**

Food waste prevention is one of the key action strands of the Commission's Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system. Taking action to reduce food losses and food waste is needed in order to reduce the environmental and climate footprint of the EU food system and achieve the objectives of the European Green Deal<sup>11</sup>. The integrated approach put forward in the Farm to Fork Strategy will ensure that food waste prevention is considered in all relevant EU policies such as the recovery of nutrients and secondary raw materials, the production of feed, food safety, biodiversity, bioeconomy, waste management and renewable energy.

The strategy sets out key initiatives to step up action to reduce food losses and food waste in the EU. Following the first EU-wide monitoring of food waste levels, measured according to a common EU methodology, the Commission will set a baseline and propose, by 2023, legally binding targets to reduce food waste across the EU.

In order to avoid food waste linked to the misunderstanding and misuse of date marking ("use by" and "best before" dates), the Commission will revise relevant EU rules by end of 2022. This exercise will also take into account the results of research carried out in this area on behalf of the Commission<sup>12</sup>. The Commission will also investigate food losses at the production stage and explore ways of preventing them.

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<sup>10</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system, COM/2020/381 final

<sup>11</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions The European Green Deal, COM/2019/640 final

<sup>12</sup> Flash Eurobarometer 425, Food waste and date marking, 2015 (<https://ec.europa.eu/COMMFrontOffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/FLASH/surveyKy/2095>), Milan BExpo 2015: A behaviour study on food choices and eating habits ([https://ec.europa.eu/food/sites/food/files/safety/docs/fw\\_eu-actions\\_bexpo-milan\\_final-report.pdf](https://ec.europa.eu/food/sites/food/files/safety/docs/fw_eu-actions_bexpo-milan_final-report.pdf)), Market study on date marking and other information provided on food labels and food waste prevention, 2.7.2018 (<https://op.europa.eu/en/publication-detail/-/publication/e7be006f-0d55-11e8-966a-01aa75ed71a1/language-en>)

The assessment of the Fitness Check of the General Food Law Regulation<sup>13</sup>, also concluded that food sustainability, and food waste in particular, should be addressed through dedicated policies and legislation. The Commission is taking every opportunity to integrate food loss waste prevention in the review of relevant EU policies.

Additionally, the amended Waste Framework Directive<sup>14</sup> mandates Member States to collect bio-waste<sup>15</sup> separately or to separate it at source by end 2023. This obligation ensures bio-waste is used as a resource, enabling high-quality recycling and boosting the uptake of quality secondary raw materials thereby moving it up the waste hierarchy.

The ongoing review of the Packaging and Packaging Waste Directive<sup>16</sup> will take into account the impacts of changes in packaging on food waste, with the aim of reducing packaging waste whilst ensuring food safety and not undermining the objective to reduce food waste.

The legislative proposals of the Commission on the Common Agriculture Policy (CAP) post 2020<sup>17</sup> clearly stress the need to enhance the ambition in terms of environmental and climate delivery and will therefore provide an adequate framework to help the EU to achieve the 2030 Sustainable Development Goals and the EU Green Deal objectives. The future CAP can help to reduce food waste and food losses by stimulating better production and processing practices and by supporting initiatives that transform traditional produce-use-discard consumption patterns into a circular bio-economy.

On the basis of EFSA's scientific opinions<sup>18</sup>, the Commission adopted a Notice providing guidance on food safety management systems for food retail activities, including food donations<sup>19</sup>. The Commission is also proposing to amend EU hygiene rules of Regulation (EC) No 852/2004<sup>20</sup> and Regulation (EC) No 853/2004<sup>21</sup> in order to lay down certain requirements to promote and facilitate food donation, whilst guaranteeing its safety for consumers.

**19.3 Promote more consistent understanding and usage of date marking, such as dates on eggs and other products, amongst consumers, food business operators, in particular food manufacturers and retailers, and control authorities, in order to prevent food losses and waste. Should any proposals for changes be made to EU rules on food**

<sup>13</sup> Commission Staff Working Document, Executive Summary of the Refit Evaluation of the General Food Law (Regulation (EC) No 178/2002), SWD(2018) 38 final

<sup>14</sup> Directive (EU) 2018/851 of the European Parliament and of the Council of 30 May 2018 amending Directive 2008/98/EC on waste, OJ L 150, 14.6.2018, p.109

<sup>15</sup> Article 3(4) of Directive 2008/98/EC defines "bio-waste" as biodegradable garden and park waste, food and kitchen waste from households, offices, restaurants, wholesale, canteens, caterers and retail premises and comparable waste from food processing plants;

<sup>16</sup> European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste OJ L 365 , 31/12/1994, p.0010

<sup>17</sup> <https://ec.europa.eu/commission/publications/natural-resources-and-environment>

<sup>18</sup> Hazard analysis approaches for certain small retail establishments in view of the application of their food safety management systems', EFSA Journal 2017;15(2):4697, 62 pp. and Hazard analysis approaches for certain small retail establishments and food donation, EFSA Journal 2018;16(11):5432, 64 pp.

<sup>19</sup> OJ C 199, 12.6.2020, p.1.

<sup>20</sup> Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs, OJ L 139, 30.4.2004, p. 1

<sup>21</sup> Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin OJ L 139, 30.4.2004, p. 55

**information for consumers, the Council calls on the Commission to take into account the Council's position that these proposals should make a contribution to food waste prevention and not undermine either food safety or consumer information.**

#### **Input of the Commission in 2020**

Concerning the prevention of the labelling practices that generate food waste, the Commission is exploring options for more effective use and understanding of date marking. The Farm to Fork Strategy calls on the Commission to prepare a proposal for a revision of EU rules on date marking by 2022.

The Commission has also requested scientific advice from EFSA in order to support food business operators in taking a risk-based approach, focussed on ensuring food safety, when making decisions about date marking. EFSA's scientific opinion will be delivered in two stages: (1) a first part, related to factors that should guide food business operators in choosing between 'use by' and 'best before' dates, by end September 2020, and (2) a second part, including other labelling aspects, by end March 2021. Such a risk-based approach can help guide decisions of food business operators regarding the type of date marking to be used (i.e. "use by" vs "best before") as well as when setting product shelf-life and identifying related food information to be provided on the labelling. EFSA's advice will support food business operators in adopting more consistent, risk-based date marking practices. The revision of the EU rules on date marking will also benefit from the outcome of this work. Following adoption of the revised rules, the Commission could consider development of EU technical guidance, if/as necessary, to further support the implementation of the revised rules by food business operators.

The Commission fully agrees with the Council position that any proposals put forward concerning date marking shall not compromise either food safety or consumer information. Member States will be closely involved in the preparation of the revision of EU rules through consultation of relevant expert groups including the EU Platform on Food Losses and Food Waste (and its dedicated sub-group on date marking).

**19.4 Foster discussions involving all Member States to explore the ways and means to strengthen management of the food supply chain and foster cooperation between actors in order to minimise the amount of food that is unsold by food manufacturers, retailers and caterers, in cooperation with other actors in the food supply chain, including food banks and other charitable organisations, for example by ensuring that retailers refrain from purposely making unsold food products unfit for human consumption and by encouraging the donation of unsold food products to charities, in particular by means of agreements between retailers and charities. Additionally, consider proposals regarding the lifting of legal and practical barriers leading to food losses and waste, in particular to facilitate food donation to food banks and other (social) initiatives.**

#### **Input of the Commission 2020**

The Commission established the EU Platform on Food Losses and Food Waste, in 2016, in order to support all actors in: defining measures needed to prevent food waste; sharing best practice; and evaluating progress made over time. The Platform provides a forum for all relevant public and private stakeholders to discuss and explore the ways and means to strengthen management of the food supply chain and enhance cooperation between actors in

preventing food waste. In order to identify and address existing barriers to food waste prevention and promote effective practices, the EU Platform on Food Losses and Food Waste adopted, with the support of the Commission, ‘Key Recommendations of Actions’<sup>22</sup> at each stage of the food supply chain and in relation to food donation. To support this work, the Joint Research Centre of the Commission collected around 90 food waste prevention initiatives and assessed their effectiveness on the basis of a methodology developed for this purpose<sup>23</sup>. A calculator<sup>24</sup> was also developed to help actors measure the environmental, economic and social impacts of food waste prevention initiatives. The report of the Joint Research Centre was published together with the Platform’s Key Recommendations for Action and highlights the data gaps, as well as the need to set clear objectives when designing an action. The report provides a common evaluation framework allowing actors to quantify the economic, environmental and social impacts of food waste prevention.

As stated in the Farm to Fork Strategy, the Key Recommendations for Action will help to show the way forward for all actors. While recognising that preventing food surpluses from arising is the first step in preventing food waste, the Platform’s recommendations on food donation identify the actions that should be put forward in order to increase the amount of surplus food that is recovered from the food supply chain and redistributed for human consumption.

With respect to developments as regards EU hygiene rules and food donation, please refer to the reply provided under point 19.2.

The Commission proposed several amendments<sup>25</sup> to the **FEAD Regulation**<sup>26</sup> as part of the revision of the financial regulation, which entered into force in August 2018. One of these amendments offers the possibility for Member States to use simplified cost options when financing food donations. While reducing food waste in itself is not an objective of the Fund, this measure aims to facilitate financing of food donation activities under the FEAD.

Charity withdrawals are at present a form of organised donation for ‘free’ to final recipients. The related legislation provides a higher EU financial support to producer organisations for free distribution (charity withdrawals) than for withdrawals for other destinations. A specific labelling is also foreseen to promote the source and the use of the EU funding. The priority allocation of market withdrawals is clearly that aid is given to the needy through charities and other institutions approved by Member States.

The functioning of the food supply chain was also subject of discussion of the High Level Forum for a Better Functioning Food Supply Chain. Following the report<sup>27</sup> by the

<sup>22</sup> [https://ec.europa.eu/food/sites/food/files/safety/docs/fs\\_eu-actions\\_action\\_platform\\_key-reccs\\_en.pdf?wtclear=laco](https://ec.europa.eu/food/sites/food/files/safety/docs/fs_eu-actions_action_platform_key-reccs_en.pdf?wtclear=laco)

<sup>23</sup> Assessment of food waste prevention actions; [https://ec.europa.eu/food/sites/food/files/safety/docs/fs\\_eu-actions\\_eu-platform\\_jrc-assess-fw.pdf](https://ec.europa.eu/food/sites/food/files/safety/docs/fs_eu-actions_eu-platform_jrc-assess-fw.pdf)

<sup>24</sup> [https://ec.europa.eu/food/safety/food\\_waste/eu\\_actions/eu-platform\\_en](https://ec.europa.eu/food/safety/food_waste/eu_actions/eu-platform_en)

<sup>25</sup> Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 PE/13/2018/REV/1, OJ L 193, 30.7.2018, p. 1

<sup>26</sup> Regulation (EU) No 223/2014 of the European Parliament and of the Council of 11 March 2014 on the Fund for European Aid to the Most Deprived, OJ L 72, 12.3.2014, p. 1.

<sup>27</sup> [https://ec.europa.eu/info/sites/info/files/food-farming-fisheries/farming/documents/amtf-report-improving-markets-outcomes\\_en.pdf](https://ec.europa.eu/info/sites/info/files/food-farming-fisheries/farming/documents/amtf-report-improving-markets-outcomes_en.pdf)



Agricultural Markets Taskforce on the subject, the Commission adopted a series of measures on producer cooperation, market transparency and a dedicated Directive on Unfair Trading Practices (UTPs) in the food chain<sup>28</sup>. As mentioned in the impact assessment<sup>29</sup> that preceded the adoption of the UTP Directive, “*Food waste is a common side-effect of particular types of UTPs and addressing the systemic issue within the European grocery supply chain could be an opportunity to address both the commercial losses incurred by suppliers and food waste.*”

As regards seafood, the EU gave a clear signal with the reform of the Common Fisheries Policy to abolish wasteful practices and better align fishing activities with demand. The gradual implementation of the landing obligation and the increased selectivity of fishing gear aims at reducing the wasteful practice of discarding, which has a direct impact on food waste. Under the EU Platform on Food Losses and Food Waste, the Commission continues to closely monitor the specificities, feasibility and good practices to facilitate food donation for seafood products. The evaluation of the marketing standards<sup>30</sup> identified products which do not meet the minimum size requirements as a candidate area where donations could be facilitated, since they are fit for human consumption. This aspect could be taken into consideration when preparing the proposal for EU-level targets for food waste reduction (planned by 2023 under the Farm to Fork Strategy).

The amended Waste Framework Directive introduced changes that facilitate the use of food no longer intended for human use as feed material therefore lifting barriers linked to the application of the waste status<sup>31</sup>.

### **19.5 Use the stakeholders platform as a forum for exchanging views on developing consumer information in the Member States in order to meet the huge challenge of influencing consumer behaviour.**

#### **Input of the Commission 2020**

The EU Platform on Food Losses and Food Waste, enables the exchange of views between Member States and stakeholders. Also its specific sub-group on “Action and Implementation” is dedicated to exchange knowledge and best practices of public and private actors in food waste prevention, including actions targeting consumers and seeking to influence their behaviour as regards food waste. The report of the Joint Research Centre<sup>32</sup> of the Commission (referred to under point 19.4) includes a dedicated chapter on the assessment of initiatives aiming to achieve consumer behavioural change. Relevant lessons learned should further help all actors to address this issue. In addition to this, the work of the Horizon 2020 project REFRESH<sup>33</sup> on the determination of consumer behaviour in relation to food waste<sup>34</sup>

<sup>28</sup> Directive (EU) 2019/633 of the European Parliament and of the Council of 17 April 2019 on unfair trading practices in business-to-business relationships in the agricultural and food supply chain, OJ L 111, 25.4.2019, p. 59

<sup>29</sup> SWD(2018) 92 final of 12.4.2018

<sup>30</sup> Commission Staff Working Document SWD(2019) 453 final of 20 December 2019 on the evaluation of the marketing standards framework for fishery and aquaculture products

<sup>31</sup> Article 2(2)(e) of Directive (EU) 2018/851 of the European Parliament and of the Council of 30 May 2018 amending Directive 2008/98/EC on waste, OJ L 150, 14.6.2018, p. 109

<sup>32</sup> Assessment of food waste prevention actions; [https://ec.europa.eu/food/sites/food/files/safety/docs/fs\\_eu-actions\\_eu-platform\\_jrc-assess-fw.pdf](https://ec.europa.eu/food/sites/food/files/safety/docs/fs_eu-actions_eu-platform_jrc-assess-fw.pdf)

<sup>33</sup> REFRESH is an EU research project financed under Horizon 2020 taking action against food waste. 26 partners from 12 European countries and China worked towards the project's goal to contribute towards Sustainable Development Goal 12.3

<sup>34</sup> <https://eu-refresh.org/quantified-consumer-insights-food-waste>

provides insights about in-home food waste, helping to inform the development of consumer interventions and campaigns by all actors concerned.

A Commission website, dedicated to food waste prevention, makes available latest research findings, policy developments and materials to support awareness raising and promote dissemination of good practices in food waste prevention, including food waste at consumption level. A Digital Network also supports communications between members of the EU Platform on Food Losses and Food Waste on ongoing developments in their work. The Commission will further develop its website in order to create an EU food waste prevention hub. In doing so, it will integrate resources made available by food waste prevention actors through the Refresh Community of Experts website. This will ensure that the knowledge and experience collected under this project and made available to the public continues to be accessible and is further updated, as and where relevant.

It is key that information on food losses and food waste prevention actions undertaken by public and private stakeholders be shared in a digital format to facilitate outreach and uptake of good practices. In particular, the Commission encourages both Member States<sup>35</sup> and private sector actors to continue and strengthen publication of information on their respective food waste prevention policy activities and results achieved in order to ensure the best possible knowledge sharing in this respect.

**19.6 Develop guidelines on the current legislation to clarify EU legislation relating to waste, food and feed, to facilitate food donation and the use of former foodstuffs and by-products from the food chain in feed production without compromising food and feed safety, taking into account current provisions in Member States that have already proved effective.**

#### **Input of the Commission 2020**

EU guidelines on food donation<sup>36</sup> to clarify relevant EU legislation were adopted on 16 October 2017. The Commission conducted a pilot project for the period of 2018-2020 including, amongst other tasks, the dissemination and uptake of the EU food donation guidelines<sup>37</sup>.

EU guidelines for the feed use of food no longer intended for human consumption<sup>38</sup> were also adopted (on 13 April 2018). These guidelines clarify relevant EU legislation in order to facilitate valorisation of such food which - for commercial reasons or due to problems of manufacturing or certain defects - is no longer intended for human consumption. The guidelines specify how such food can be safely used in animal nutrition, without compromising animal and public health.

With respect to developments on guidance regarding EU hygiene rules and food donation, please refer to the reply provided under point 19.2.

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<sup>35</sup> The amended Waste Framework Directive requires Member States to establish food waste prevention programmes by 5 July 2020.

<sup>36</sup> Commission notice — EU guidelines on food donation, C/2017/6872 OJ C 361, 25.10.2017, p. 1

<sup>37</sup> [https://ec.europa.eu/food/safety/food\\_waste/eu\\_actions/food-donation\\_en](https://ec.europa.eu/food/safety/food_waste/eu_actions/food-donation_en)

<sup>38</sup> Commission Notice — Guidelines for the feed use of food no longer intended for human consumption C/2018/2035, OJ C 133, 16.4.2018, p. 2

**19.7 Include, in light of point 9 of the Political Guidelines for the European Commission ('A stronger global actor'), food losses and waste in agendas, action programmes and cooperation programmes on food security, nutrition and development cooperation, to facilitate capacity-building and technical support in less developed countries, and therefore to actively support partnerships that contribute towards SDGs with a view to the realisation of the 2030 Agenda. In light of this, initiate (or reinforce) cooperation between the EU and international organisations (in particular FAO and UNEP) in order to maximise the contributions of all actors towards reaching the SDGs, ensure consistent monitoring and efficient reporting of progress made, and promote the sharing of knowledge and best practices.**

#### **Input of the Commission 2020**

The Commission remains committed to achieving the SDG 12.3 and, for this purpose, to integrating food waste prevention in European policy frameworks and current Commission priorities where relevant. In line with this objective, the amended Waste Framework Directive<sup>39</sup> places a legal obligation on Member States to take action to reduce the generation of food waste in primary production, in processing and manufacturing, in retail and other distribution of food, in restaurants and food services as well as in households to contribute to the SDG goal of 50% reduction of food waste per capita at retail and consumer levels and to reduce food losses along production and supply chains by 2030 (SDG Target 12.3). Member States are required to include these measures in the national food waste prevention programmes by 5 July 2020. The Commission is monitoring the transposition of Directive (EU) 2018/851 and, once the Member States notify their national legislation, the Commission will ensure that the national measures are compliant with the EU legislation.

Additionally, reducing food losses and food waste is a key action strand in the European Commission's Farm to Fork Strategy for a fair, healthy and environmentally friendly food system<sup>40</sup>. The Farm to Fork Strategy is a cornerstone of the European Green Deal<sup>41</sup>, which is an integral part of this Commission's strategy to implement the United Nation's 2030 Agenda and the sustainable development goals<sup>42</sup>.

The Commission cooperates with FAO on prevention of food loss and waste, within the framework of a Letter of Intent on collaboration, signed between these institutions in 2017. DG SANTE collaborates in particular with the FAO regional office for Europe and Central Asia (SAVE FOOD). FAO as well as UNEP are active members of the EU Platform on Food Losses and Food Waste. The cooperation is focused on exchange of knowledge on the monitoring and reporting of food loss and waste and work related to outreach and communications on prevention of food loss and waste (including educational materials).

<sup>39</sup> Directive (EU) 2018/851 of the European Parliament and of the Council of 30 May 2018 amending Directive 2008/98/EC on waste, OJ L 150, 14.6.2018, p. 109

<sup>40</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system, COM/2020/381 final

<sup>41</sup> Communication from the Commission to the European Parliament, the European Council, the European Economic and Social Committee and the Committee of the Regions, The European Green Deal, COM/2019/640 final

<sup>42</sup> <https://sustainabledevelopment.un.org/post2015/transformingourworld>

## **II. Additional aspects which have become increasingly important in relation to food loss and waste reduction beyond the 2016 Council conclusions**

### **1. COVID-19**

While the current COVID-19 pandemic has no connection to food safety in the EU, it has presented many challenges to the functioning of the food supply chain, such as changes in consumer patterns, labour shortages, loss of certain markets or logistical disruptions resulting in unexpected consequences for food loss and waste. The economic downturn also resulted in a significant increase in citizens' need for food aid, as attested by the unprecedented increase in surplus food redistributed to people in need by food banks and other charities<sup>43</sup>.

The Commission has put in place measures in various policy areas to mitigate these negative effects. In particular the Commission proposed set of measures<sup>44</sup>, introduced to support agricultural and food markets most affected by the COVID-19 crisis, such as advice to Member States on designating 'green lane' border crossings; a guidance document on the implementation of the temporary restriction on non-essential travel to the EU, in order to ensure a smooth passage for seasonal workers; easing state aid requirements to safeguard support to farmers in need of liquidity; taking a number of legislative measures (so-called flexibility package), such as private storage aid and allowing producer organisations to redirect the share of expenditure allocated to crisis management in their operational programmes (including market withdrawal for free distribution).

The Commission also introduced amendments to the Fund for European Aid to the Most Deprived (FEAD)<sup>45</sup> in order to address the unprecedented challenge for its operations and their beneficiaries. The changes can positively impact food donation where this activity is included in Member States' respective operational programmes.

In order to facilitate the sharing of information and initiatives taken to prevent food losses and food waste resulting from the COVID-19 crisis, the first edition of the newsletter of the EU Platform on Food Losses and Food Waste<sup>46</sup>, published in May 2020, was dedicated to this particular topic. The publication of this newsletter on a regular basis, which is coordinated by the Commission, ensures that members of the EU Platform on Food Losses and Food Waste can be informed about their respective actions and that their experience is shared and promoted widely amongst all interested stakeholders.

It is key that the lessons learned from this pandemic as regards both food loss and waste reduction and food security are also taken into account taking action to establish resilient and sustainable food systems.

### **2. Research, innovation**

The Commission is utilising all relevant research and innovation as well as financial instruments to further support the implementation of food supply chain innovation to prevent

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<sup>43</sup> The European Food Banks Federation reports that surplus food redistributed in first 5 months of 2020 already represents 70% of 2019 levels.

<sup>44</sup> List of exceptional measures supporting the agri-food sector during the COVID-19 crisis, [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_20\\_722](https://ec.europa.eu/commission/presscorner/detail/en/ip_20_722)

<sup>45</sup> <https://ec.europa.eu/social/main.jsp?langId=en&catId=89&newsId=9690&furtherNews=yes>

<sup>46</sup> <https://ec.europa.eu/newsroom/sante/newsletter-specific-archive.cfm?serviceId=1826>

food loss and waste (e.g. Horizon2020, Horizon Europe, FOOD 2030, Bioeconomy Strategy, future Single Market Programme, European Innovation Partnership (EIP-AGRI), EIT Food, the Digital Europe Programme etc.).

### **3. Food losses**

As regards food losses, the Commission has been discussing with the members of the EU Platform on Food Losses and Food Waste the feasibility and technical possibility of monitoring food losses and/or resource flows in agri-food industries in the EU. This would address such aspects as the identification of amounts, hotspots and opportunities for action, including valorisation of resources from primary production. The Commission intends to investigate food losses at the production stage, and explore ways of preventing them as a part of Horizon Europe research programmes.

 Electronically signed on 31/07/2020 12:29 (UTC+02) in accordance with article 4.2 (Validity of electronic documents) of Commission Decision 2004/563 <sup>11</sup>