



3rd Meeting Summary Report
WORKING GROUP ON FOOD LOSSES & FOOD WASTE of the
ADVISORY GROUP ON THE FOOD CHAIN, ANIMAL AND PLANT HEALTH
Brussels, Charlemagne building
Thursday 8th May 2014

Stakeholders represented:

Members of Advisory Group: AIPCE, AVEC, BEUC, CEFIC, CELCAA, COCERAL, COPA-COGECA, ECPA, EDA, EFFAT, EFPRA, EHPM, EMRA, EUROCOMMERCE, EUROCOOP, EUWEP, FEFAC, FOODDRINK EUROPE, FOODSERVICE EUROPE, FRESHFEL, HOTREC, IFAH-Europe, INDEPENDENT RETAIL EUROPE, PFP, SLOW FOOD INTERNATIONAL, UECBV,

Non-members of Advisory Group: AIBI, EFFPA, ELC, EPEGA, EUCOFEL, EUROPEN, FEBA, FUSIONS, PROFEL, WWF

EU Commission: DG SANCO: Mrs Chantal Bruetschy, Anne-Laure Gassin, Giovanni Saccarola, Koen Van Dyck, Martial Plantady, Alexandra Nikolakopoulou, Marco Valletta, Wim Debeuckelaere; **DG AGRI:** Sophie Dewispelaere; **DG ENV:** Benjamin Caspar; **DG TAXUD:** Agustín Míguez, **DG RTD:** Dirk Pottier; **DG ENTR:** Benjamin Vallin, **DG MARKT:** Jan Robberecht.

Other EU bodies: EESC

Chair: Mrs Chantal Bruetschy, Head of Unit DG SANCO E6 – Innovation & Sustainability

1. Welcome and adoption of the agenda

The Chair welcomed participants and summarised the main conclusions from the previous Working Group meeting on Food Losses and Food Waste¹ (WG on FLW) held on 8th February 2013. The Chair highlighted the important role the group has had in shaping the Commission's work on food waste. In addition to the meetings of the Working Group, bilateral discussions with stakeholders are needed to draw operational conclusions and progress action in key areas. WG members will be kept informed of such developments.

¹ http://ec.europa.eu/dgs/health_consumer/dgs_consultations/docs/summary_08022013_en.pdf

2. Overview of initiatives to prevent/reduce food waste

Ms. Anne-Laure Gassin, DG SANCO, presented an overview of key initiatives on tackling food waste in the EU (attached). She further explained that these would provided the overall structure for this meeting including; presentation of a new food waste definition (update on the work of FUSIONS); how to facilitate food donations (including updates and clarification regarding food hygiene rules and the VAT regime); date marking; enhancing resource use in the food and feed chain; technological and social innovation in relation to food waste and sustainability; and an update on the state of play of the Communication on food sustainability. WG participants were also asked to contribute to the SANCO Food Waste Website² with updates on key initiatives in order to facilitate sharing of best practices. The Commission would also be interested in pursuing dialogue with interested stakeholders regarding the possible need for further EU-wide communications and awareness raising on food waste prevention.



FW_keyinitiatives_FL
W8052014.pdf

3. Defining food losses and food waste

Ms Hilke Bos-Brouwers (Scientific co-ordinator, FUSIONS) presented an update and an overview on the work of the FUSIONS project³ (attached), which is funded by European Commission Framework Programme 7. The main objectives of this project are to: contribute to the harmonisation of food waste monitoring; support development of effective social innovative measures to optimise use of food in the food chain; and support development of a common food waste policy for EU 28.

In order to set a common definition of 'food waste', a new classifications system has been developed by FUSIONS drawing on already existing definitions and systems such as Eurostat and Economic Statistics (NACE). In mapping out resource flows in the food production and supply chain, FUSIONS considers as "secondary resources" edible food and inedible parts of food removed from the food supply chain. Hilke Bos-Brouwers presented a mapping of food resource flows and the project's current draft definition of food waste. FUSIONS considers that "food waste" is composed of those fractions of secondary resources which are to be recovered or disposed of (eg composting, anaerobic digestion, bioenergy production, incineration and landfill). Key next steps for the project include: development of standard methodology for monitoring food waste; assessment of socio-economic impacts of food waste, environmental impact and food waste quantification.

Discussion focused on issues such as the positioning of animal feed in the food production chain and the distinction between edible and inedible parts of food. Participants also highlighted the difficulties in monitoring food waste depending on where it occurs (eg processing of fish which takes place both at sea and on land).

² http://ec.europa.eu/food/food/sustainability/good_practices_en.htm

³ <http://www.eu-fusions.org/>

Ben Caspar (DG ENV) highlighted that the aim of the FUSIONS project was to come up with practical solutions, including how to use resources more efficiently. Whether food is considered waste or not can be a somewhat grey area; the division of edible or inedible foods may not be particularly useful in practice.

Conclusions and next steps:

- The FUSIONS work on food waste definitions will provide an important framework for further work on food waste monitoring and food waste reduction.
- In reality, more specific definitions will be needed corresponding to each "resource flow" in the food production and consumption chain. Different food cultures may also affect interpretation of what is considered as food or waste.
- Transparency about the use of definitions is key at each point in the resource flows.
- The WG on FLW will review at its next meeting the final definition(s) proposed by FUSIONS and any implications arising for food waste prevention and reduction.



FUSIONS
Bos-Brouwers DG Sar

4. How to facilitate donation of surplus food to food banks

4.1 Angela Frigo, Banco Alimentare, gave a presentation on issues encountered by food banks in redistribution of surplus food. A summary of The European Federation of Food Banks (FEBA) meeting on 25-27 April⁴ this year was provided, which included an update of their strategy for surplus food donation. Additionally, fiscal (e.g. VAT), and legal (e.g. hygiene, liability) constraints and opportunities in relation to food donations were summarised and briefly discussed. A. Frigo highlighted the need for EU and national policies which support food donation to charitable organisations.



Banco
Alimentare.pdf

4.2 Yves Somville, European Economic and Social Committee (EESC), presented an update of EESC initiatives on food donations (attached) including a Comparative Study on EU Member States' Legislations and Practices on Food Donations currently underway. The main objectives of the study are to provide an overview of current legislation and practices, evaluate legislative or practical hurdles and to establish best practices in the field of food donations. Preliminary results suggest that clarifications across Member States are necessary in several areas including VAT rules applying to food donation, liability legislation and best before labelling. The EESC is organising an event on food

⁴ <http://www.eurofoodbank.eu/portail/index.php?lang=en>

donations in Brussels on the 7th July where presentation of the findings of the study and discussion with main stakeholders will take place.



4.3 Mr Agustín Miguez Perez, DG TAXUD, provided a detailed overview on VAT in relation to foodstuffs. It was highlighted that the VAT Directive 2006/112/EC⁵ is the current legal framework applying to all food transactions including donations. The concept of 'tax neutrality' necessitates that food has to be taxed⁶, whether given for free or not. However, in light of Article 74 of the VAT Directive, which states that the cost price is determined at the time when the disposal takes place, foodstuffs close to their best before date, could be seen as having a value fairly low, or even close to zero where the food genuinely has no value. Determination of the taxable amount of VAT has to be done on a case by case basis and it is the competence of Member States to make sure that the taxable amount fits to the state of the goods at the moment of the donation. As the determination of the value of the goods at the moment of the donation could be complicated in some cases, Member States could apply some flexibility in that regard, flexibility that cannot however undermine the obligation to tax these transactions.

(Comment from the Chair: Member States have adopted by unanimity the principle that, in defining the VAT related to food donation, the price of the donated goods should be adjusted to the state of those goods at the time that the donation takes place⁷).

The discussion centred around the different obstacles related to food donation in the EU. With respect to potential liability issues, Angela Frigo outlined how Italy has put in place a so-called "Good Samaritan Law" which considers food banks as the "final consumer." In this context, a donor would not be held liable should a food safety issue arise following donation of a food product by a food bank.

The EESC's ongoing study on food donation will research these aspects further . It should however be kept in mind that, in addition to legal liability, corporate reputation can also be at stake in the event of a food safety concern.

Participants also inquired as to the situation in the different Member States with respect to food donation eg VAT, liability etc.. The Commission does not yet have a full overview of the situation in each Member State. The ongoing EESC study will provide information in this regard. In addition, DG SANCO is compiling food donation guidelines existing at national level in view of publication on the DG SANCO food waste website. The Commission is also open to providing further guidance on food donations at EU level should this be considered beneficial by stakeholder and Member States.



⁵ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:347:0001:0118:en:PDF>

⁶ In the EU, Malta, UK and Ireland apply a 0% rate on all transactions involving foods including donated food

⁷ http://ec.europa.eu/food/food/sustainability/docs/guidelines-vat-committee_en.pdf

4.4 Mr. Koen van Dyck, DG SANCO, presented on the subject of food hygiene requirements and food donations (attached). Mr van Dyck highlighted that the very objective of food hygiene rules –preventing contamination of foodstuffs (and therefore avoiding spoilage due to bacterial growth)-- contributes to the reduction of food waste. The so called 'hygiene package'⁸ (Regulations 852/2004⁹, 853/2004¹⁰ for food business operators (FBOs) + 854/2004¹¹ for competent authorities) applies to all FBOs, including food banks, as defined in Regulation (EC) No 178/2002¹². Different food hygiene rules apply whether food banks/retailers supply to the final consumer (only Reg. 852/2004 applies) or also work as a distributor delivering goods to other food banks/retailers (Reg. 852/2004 and 853/2004 apply). In the latter case, if the supply is marginal, restricted and local, national rules apply (which may exempt from Regulation 853/2004 applicability). In other cases, retailers who wish to deliver food to food banks needs to be approved by national authorities as food business operators with additional administrative requirements and burden.

A proposed solution to the above issue suggests that there should be no additional consequences for retailers in case of donations to a food bank. Instead, there ought to be an EU-wide derogation to allow the safe distribution of foods by retailers to food banks, without the need for national rules. The Commission has included these points in their proposal on the revision of the hygiene package.

Conclusions and next steps:

- Members of the WG on FLW are invited to keep DG SANCO informed of initiatives, developments and guidelines on food donation existing at national and/or regional levels.
- DG SANCO will work with interested stakeholders to help scope the possible role and content of EU guidance to facilitate food donations. Members are invited to express interest should they wish to participate in this work.



Koen van Dyck.pdf

5. Communication on Food Sustainability

Mr. Ben Caspar, DG ENV, provided an overview of results of the public consultation on the Communication on food sustainability in relation to food waste. Overall, the public consultation received 629 responses from individuals, NGOs, food manufacturers, national authorities, academics and others.

⁸ http://ec.europa.eu/food/food/biosafety/hygienelegislation/comm_rules_en.htm

⁹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:139:0001:0054:en:PDF>

¹⁰ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:139:0055:0205:EN:PDF>

¹¹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:226:0083:0127:EN:PDF>

¹² <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2002:031:0001:0024:EN:PDF>

Mr Caspar highlighted that the need to tackle food waste was strongly supported, particularly at EU and national level. In the majority of cases there was support for the EU to take a leading role. There was strong overall support across the various groups of respondents for better information on date labels and promoting exchange of good practices. However, support for the introduction of reporting requirements and binding targets on food waste was rather polarised: manufacturing, wholesale and retail, as well as the production and agriculture sector showed little support, whilst consumer organisations, governmental representations and nature, animal and health, associations strongly supported this matter.

With respect to Member State response to the public consultation, Ben Caspar clarified that respondents were not necessarily from national competent authorities as such but included a wide range of organisations at national and local levels. He specified that *MS* do not always consider themselves as stakeholders for public consultations as such. Some Member States submitted comments and opinions in writing, which will be included in the final Communication. He indicated that the target date for publication of the Communication on Food Sustainability was 18 July (NB. Since the meeting, the timing has been changed to early July).

6. Date marking

6.1 Ms. Alexandra Nikolakopoulou, DG SANCO provided an update on existing date marking regulation and possible opportunities to simplify EU date labelling rules under EU Regulation 1169/2011¹³ on the provision of food information to consumers. Ms Nikolakopoulou explained that the Commission was meeting today with Member State experts (food labelling and food hygiene) to discuss further possible options and in particular, the possibility of extending the list of products which are today exempt from durability ("best before") labelling (cf Annex X of Regulation N° 1169/2011).

Ms. Nikolakopoulou indicated that regulators were looking again at date marking as public confusion in regard to "best before" and "use by" (expiry dates) on food has been linked to unnecessary food waste. She further clarified the link between durability and food safety. Products past a 'use by' date are not to be placed on the market, whilst foodstuffs past the 'best before' date can still be placed on the market as long as they are safe to consume (the responsibility lies with the food business operator).

Ms. Nikolakopoulou outlined the three main options which would be discussed that day with Member State experts in view of possible extension of foods exempt from date marking ie:

1. Proposing new foods to be exempted (eg long shelf-life foods such as rice, coffee, couscous etc..)
2. Not requiring date marking for foods with a long shelf-life (eg > 2 years)

3. Defining common criteria which could be utilised to define foods for which date marking should not apply

In discussion, participants highlighted the need to consider the international context given the global food supply chain. A. Nikolakopoulou confirmed that this matter was currently being discussed in CODEX Alimentarius.

6.2 Ms. Beate Kettlitz, FoodDrinkEurope outlined the critical aspects taken into account by industry in the establishment of "use by" and "best before" dates (presentation attached). Ms Kettlitz highlighted that for the food industry, the core issue is guaranteeing safety and quality of a product throughout its shelf life. The primary obligation for the food business is to ensure that foods placed on the market are safe, using systems such as HACCP (Hazard Analysis and Critical Control Point). It was also highlighted that food innovation can also impact date marking (and choice of "use by" vs "best before") as specific products may not be produced in the same way today as they were 20 years ago. Industry must also guarantee any claims made on foods throughout their shelf-life; selling a product after its best before date may lead for instance to non-compliance in terms of nutritional value etc. Finally, the need to educate consumers about date marking guidelines was emphasised as key for better understanding of "best before" and "use by" labels.

Participants commented on the issue of translation "best before" and "use by"; in some Member States, it is thought that the translation of these terms in the national language may not be clear enough to promote consumer understanding. While translation may be an issue, consumer confusion regarding these concepts also seem to exist in English as confirmed by consumer research. Some queried whether removing "best before" dates from products might lead to more food waste if consumers are then unsure whether the product is safe to consume. A. Nikolakopoulou commented that there are today foodstuffs which are exempt from date marking and the Commission was not aware of consumer concerns in this regard.

Conclusions and next steps:

- The Commission will keep the WG on FLW informed of developments in discussions with Member States regarding the possible extension of list of foods exempt from date marking. Stakeholders may also wish to liaise with their competent national authorities to help inform the discussions.
- The Commission encourages food business operators to pursue their reflexion on the establishment of date marking and possible opportunities to streamline and optimise practices. The Commission will consider how to best support and facilitate this discussion. Outcomes will be reported at a future meeting of the WG on FLW.

¹³ <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011R1169&from=EN>



FoodDrinkEurope
date marking.pdf

7. Resource use in the food and feed chain

(This session was chaired by SANCO policy officer, Anne-Laure Gassin, in absence of Chantal Bruetschy).

7.1 Mr. Martial Plantady, DG SANCO, gave a presentation (attached) on developments related to the Transmissible Spongiform Encephalopathies (TSE) Roadmap¹⁴. Three main issues were discussed in relation to their possible impact on resource efficiency and reduction of waste in the food and feed chain: the feed ban lift, Specific Risk Material (SRM) removal and TSE measures in small ruminants. For instance, in the light of the TSE Roadmap regulation for small ruminants, new provisions for scrapie eradication since July 2013 means that more options are available when a scrapie case is confirmed in sheep or goat holdings. Consequently fewer animals will be unnecessarily culled and destroyed.



M. Plantady
TSERM-foodwaste.pc

7.2 Mr. Wolfgang Trunk, DG SANCO presented work in progress on new resources for animal feed. He explained that more and more by-products from the food industry enter the feed chain; these must be safe and free of contaminants. Current instruments to ensure safety for animals include the Catalogue of feed material¹⁵. Mr Trunk also emphasised the importance of differentiating between 'Former foodstuffs' and Catering/kitchen waste. The former refers to food manufactured for human consumption, (eg broken or stale biscuits) which whilst posing no safety issue as such are not marketed for practical, logistical reasons and/or lack of consumer/market acceptability. Certain so-called former foodstuffs can however be safely used in animal feed. By contrast, there is currently a strict ban on feeding catering waste to farm animals, which will remain in place. W. Trunk outlined ongoing policy work to address issues such as packaging residues in former foodstuffs (not allowed in feed) and confirming the legal status of plant-based former foodstuffs as feed (rather than waste). Other emerging potential feed materials including algae and insects were also briefly discussed.

7.3 Mr Paul Featherstone, European Former Foodstuffs Processors Association (EFFPA), gave a detailed presentation on the role of former foodstuffs in reducing food waste (attached). Mr Featherstone explained that the EFFPA was officially founded 1 Jan 2014 and is an associate member of The European Feed Manufacturers' Federation (FEFAC¹⁶). The EFFPA currently has seven members in seven member states¹⁷. Former

¹⁴ http://ec.europa.eu/food/food/biosafety/tse_bse/docs/roadmap_2_en.pdf

¹⁵ Catalogue of Feed Materials (REG 68/2013)

¹⁶ <http://www.fefac.eu/>

foodstuff processors convert foodstuffs that are no longer suitable for human consumption into high quality feed for food producing animals. At present, most former foodstuffs come from the food and drink manufacturing sector. However, the vision is to also include members from the food distribution and food retail sectors. It was highlighted that EFFPA members do not process food waste. Mr Featherstone also emphasised the need for removing incentives that disrespect the food waste hierarchy; currently subsidised bioenergy producers compete for the same materials which can be used for animal feed.

Discussion centered on the challenges inherent in this complex, regulatory environment. Participants stressed the need to pave the ground for authorisation (and re-authorisation) of certain materials entering or re-entering the food chain. Industry highlighted the need for proportionate, cost-effective controls and also the importance of taking into account the broader public context. A risk communications approach should be considered as attested by public reaction for instance to the re-introduction of Processed Animal Proteins.

All actors in the chain share the same common aim of increasing efficiency whilst ensuring food and feed safety. In order to make progress, W. Trunk suggested that the food industry has to be willing to also be feed business operators. A-L. Gassin acknowledged the challenges in regards to incentives related to anaerobic digestion which may seem more attractive to food business operators than turning food into feed. She also agreed that better information to consumers regarding how food is produced would support introduction or re-introduction of resources for animal feed.

Conclusions and next steps:

- Respect of the food waste hierarchy is essential (ie surplus food should be utilised as a resource first for people, then animals, prior to anaerobic digestion and energy recovery). The Commission will consider the issue of "competing" economic incentives further, also in the context of the future Communication on Food Sustainability, in order to facilitate best implementation of the food waste/food hierarchy.
- Commission is pursuing its work to clarify and address, as needed, any grey areas either in EU or national legislation related to the legal status of former foodstuffs as well as the regulation of their safe use in animal feed.



EFFPA Presentation
DG SANCO WG Food

8. Innovating to support food waste reduction/food sustainability

8.1. *Marta Messa, Slow Food*, gave a presentation (attached) on social innovation through the experience of Slow Food, a global grassroots organisation, in over 150

¹⁷ UK, NL, FR, DE, ES, IT, BE

countries. A brief introduction included a summary of Slow Foods' main standpoint that everyone has a fundamental right to the pleasure of quality food. Through its actions, Slow Food aims to raise awareness in and restore the perceived value of food, thereby contributing to reduction of food waste. M. Messa also provided results from the Slow Food Presidia study and outcomes of the Awareness raising event Salone del Gusto, which had over 220,000 visitors. Other social innovation initiatives to reduce food waste were discussed, including Chefs Alliance, Earth Markets and Narrative labels.



140430 Food Waste
SLOW FOOD.pdf

8.2 Maryse Hervé, Federation of European Specialty Food Ingredients Industries (ELC), gave a presentation on how specialty food ingredients and their manufacturers contribute to the sustainability of the food system (attached). It was explained that specialty food ingredients have technological and/or functional benefits. They are typically used to preserve, texture, emulsify, colour and improve the nutritional profile of processed food. It was further suggested that speciality food ingredients may improve resource efficiency by reducing downstream losses. For example, the shelf life of bread can be doubled through the use of enzymes and emulsifiers, in turn helping to reduce food waste. Participants were also invited to attend the ELC Sustainability Symposium on 27 November 2014.



ELC presentation.pdf

8.3 Mr Paulo Gouveia, COPA-COGECA, gave a presentation (attached) on technological innovation and how to reduce food wastage in primary production. COPA-COGECA is the united voice of farmers and their cooperatives in the EU. According to COPA-COGECA the term 'food wastage' is preferred to the terms 'food waste' and 'food losses', as it better captures what is avoidable and unavoidable. Mr Gouveia also underlined that farmers and agri-food producers have no reason to discard a product that has an economic value. New technologies and innovation in agri-food production help enhance performance at farm level, thus contribute to reduced food wastage. Furthermore, products that do not comply with marketing standards are instead used in the processing industry.

Private certification schemes, such as 'Responsibly fresh'¹⁸ (an initiative by the Association of Belgian Horticultural Cooperatives) is another example of how the agri-food industry is setting specific requirements related to sustainability and the reduction of food wastage. The importance of educational campaigns for consumers was also put forward as an important aspect in order to increase the sustainability of the food system and to reduce food waste.

¹⁸ <http://www.responsibly-fresh.com/documents/home.xml?lang=en>

(NB. COPA-COGECA has provided a longer version of the presentation given on 8 May, integrating case studies provided by the food business operator, Carbery).

Participants discussed the issue of consumer perception as critical for the marketing of new foods and/or to build understanding of the role which ingredients such as food additives can play in ensuring product stability and extending shelf-life of foods.

Discussion centred on how participants can enhance awareness raising regarding food waste prevention/reduction, build synergies and the role/contribution of EU initiatives in this regard.

Conclusions and next steps:

- The social innovation work package of the FUSIONS project, and in particular evaluation of ongoing case studies, will generate learning and best practice to help support development of initiatives to reduce food waste.
- Participants were asked to keep DG SANCO informed of any new initiatives so that these can be published in the "best practices" section of the food waste website.



Presentation WG
Food Losses and Foo

9. How to support awareness raising and exchange of best practices

9.1 Mr. Marco Valletta, DG SANCO presented an update on the EU participation to EXPO Milan 2015 - "Feeding the Planet: Energy for Life". The event will take place from 1st May to 31st Oct 2015 including 147 countries and international organisations. Over 20 million visitors are expected. The theme for the EU Pavilion is "Growing Europe's future together for a better world" and will include an immersive and interactive exhibition on what has been achieved during the last 50 years and what will be the principal food challenges, at EU and global level, both in the short-term and towards 2050. There will also be a strong and an engaging focus on the EU food supply chain from 'field to fork', and also educational stories on for example wheat (and bread) which has been a key grain to EU agriculture, economy and culture. M. Valletta presented a series of conferences which DG SANCO proposes to organise in the context of EXPO 2015, including one on food waste.



Marco Valletta.pdf

10. Conclusions and next steps

In addition to the conclusions and next steps indicated in the summary report after each agenda item, the Chair stressed that further action would be carried out through smaller working groups and/or bilateral meetings to address certain issues with the key

stakeholders concerned. This will help the WG on FLW to progress its work at a more operational level in advance of the next meeting.

The Chair also indicated that DG SANCO would be establishing a working group with Member States dedicated to food losses and food waste in order to support further work in this area and co-ordination of efforts across the EU.

Members will be informed of the day of the next meeting of the WG on FLW in due course. This meeting will take place in the autumn in advance of the plenary meeting of the Advisory Group on the Food Chain, Animal and Plant Health.

The Chair thanked the speakers and all participants for their presence and active participation before closing the meeting.
