



EU food donation guidelines: update

Anne-Laure Gassin

European Commission, DG Health and Food Safety
Unit E1, Food information and composition,
food waste

Facilitate food donations

- Commission to develop **EU-wide food donation guidelines** for donors and receivers of food surplus (Circular Economy Action Plan)
- **Facilitate information sharing**: resource section on Commission "food waste" website (national guidelines, recent studies and reports); online register of EU rules on food hygiene; new digital tools (COM, REFRESH)
- Commission to implement **Pilot Project on food redistribution**: further research on practices/barriers in MS; support dissemination of future EU guidelines

EU guidelines on food donation

Overall aim: clarify relevant provisions of EU legislation and help to lift barriers to food redistribution, within the current EU regulatory framework.

Objectives:

- Facilitate **compliance of surplus food providers and recipients** with requirements laid down in EU regulatory framework (food safety, food hygiene, traceability, liability, VAT etc...)
- **Promote common interpretation** of relevant EU rules by regulatory authorities in the MS

EU food donation guidelines: complement but not duplicate national/sectorial guidance



Circulaire relative aux dispositions applicables aux banques alimentaires et associations caritatives (Belgian food safety agency)



Evira Foodstuffs donated to food aid (Finnish food safety agency)

Guide des bonnes pratiques d'hygiène de la distribution de produits alimentaires par les organismes caritatifs (<http://draaf.auvergne-rhone-alpes.agriculture.gouv.fr/Limiter-le-gaspillage-par-les-dons>)

Leitfaden für die Weitergabe von Lebensmitteln an soziale Einrichtungen – Rechtliche Aspekte (www.bmelv.de)



Overview of comments received

- 22 Platform members provided comments
- For many organisations, feedback builds on previous contributions (2016)
- Contributions: both of a general (eg scope/format) and specific nature
- Revised working document (v8) addresses – as much as possible – all comments made in line with mandate
- New draft informed by discussion in subgroup (20.03.17) and further internal consultation in COM
- Input also received for accompanying document (MS/stakeholder practices)

General remarks: content

- Guidelines seek to provide a common interpretation of what is allowed in the current EU regulatory framework.
- Overall aim is to facilitate safe food redistribution
 - input received which may contradict EU rules cannot be integrated as such in a guidance document
- Role/responsibilities of MS/stakeholders need to be respected (ie EU-level, not detailed guidance)
 - areas which could be further clarified at national level have been identified (eg liability)

General remarks: format

- Members stress guidance should be clear, easy to use and facilitate information sharing
 - Call for concrete examples to illustrate how EU rules are implemented in practice
- ⇒ Additional details added wherever possible
- ⇒ Current *"accompanying document"* could be further elaborated by members and published separately as Platform output (for consideration of members)

Specific issues raised:

- Request to refer to "food waste/use" hierarchy:
 - Draft EU guidelines place food redistribution in overall context of food waste prevention (including preventing occurrence of food surplus in the food supply chain).
 - Introduction points to redistribution of safe, edible food for human consumption as the best destination when food surpluses occur.
 - Possible reference to a "food waste" hierarchy would pre-empt ongoing negotiations of co-legislators on the waste legislation proposal.

Overview of changes made: scope of guidelines clarified

- Scope (section 2): "...the recovery and redistribution of food by food business operators which is provided by the holder, free of charge.
- Further clarification of concepts:
 - recovery and redistribution (FAO definition)
 - surplus food
 - type of foods suitable for food donation
 - who are the actors, *i.e.* donors and receivers (all food business operators; initiatives of private donors excluded)

Overview of changes made:

- Roles and responsibilities of actors under the General Food Law further clarified (section 3).
- Determination of primary responsibility and liability when food safety issues arise (section 4)
 - Interaction between **primary responsibility** (*i.e.* the obligation, as set out in Art. 17 of GFL, for food business operators to comply with all requirements of food law relevant to their activity and verify that such requirements are met) and **liability** (essentially governed by national rules)

Overview of changes made:

- Food hygiene (section 5): further clarification of specific rules applying to the redistribution of food of animal origin
- New sections outlining possible opportunities for food donation linked to:
 - Common Organisation of the markets in agricultural products
 - Common Organisation of the markets in fishery and aquaculture products
- Minor adjustments to sections on: food information to consumers (section 6) and fiscal rules (section 7)

Dissemination issues: translation

- EU guidelines will be disseminated in all EU languages following their adoption
- Translation of existing guidance/rules in MS
 - Available guidance (known to SANTE) are published on Commission website (in EN where available)
 - Platform members are invited to share with Commission existing guidance/rules not available in English
 - Translation of such national rules/guidance may be integrated as part of EP pilot project on food redistribution

EU food donation guidelines: next steps

- Final discussion on draft guidance at Platform – 14 June
 - Formal internal consultation (SANTE/ISC) – June/July
 - Translation in all EU languages - Autumn
 - Adoption by COM – November/December 2017
- ⇒ Next meeting of sub-group on food donation – October
- future development of document on MS practices; Pilot Project; digital tools; information sharing...