



Summary Report
**AD HOC MEETING WITH STAKEHOLDERS ON THE POSSIBLE
DEVELOPMENT OF EU GUIDANCE TO FACILITATE FOOD DONATION**
Brussels, 28 October 2014

Stakeholders represented:

Members of Advisory Group: COPA-COGECA, EUROCOMMERCE, EUROCOOP, FOODDRINK EUROPE, FOODSERVICE EUROPE, HOTREC, INDEPENDENT RETAIL EUROPE

Non-members of Advisory Group: FEBA (including Fondazione Banco Alimentare Onlus)

EU Commission: DG SANCO: Anne-Laure Gassin, Alexandra Nikolakopoulou, Kris De Smet, Kostas Sofianidis; **DG AGRI:** Oana Surdu

Other EU bodies: EESC (Mr. Yves Somville, Ms. Monica Guarinoni)

Chair: Ms Anne-Laure Gassin, Policy Officer, Unit E6 – Innovation & Sustainability

1. Welcome and adoption of the agenda

The Chair welcomed participants and outlined the overall aim of the meeting which is to explore with stakeholders the possible development of EU guidance to facilitate food donation. The opportunity of establishing EU guidance on food donation, suggested by members of the Working Group on Food Losses and Food Waste (under the Advisory Group on the Food Chain, Animal and Plant Health), was discussed at its last meeting held 8 May 2014¹.

The Chair explained that the Commission's aim in pursuing such work would be to complement – and not duplicate—guidance existing in Member States (from national competent authorities and/or sector organisations). Should guidance/guidelines be developed by the Commission, these would necessarily be focussed on those issues which can best be tackled at EU level.

As suggested by members of the Working Group on Food Losses and Food Waste, the Commission called an *ad hoc* meeting with those stakeholders directly involved with food donation (either as donors or receivers) in order to gauge stakeholder interest in the project and help scope desired content.

¹ http://ec.europa.eu/dgs/health_consumer/dgs_consultations/docs/summary_20140508_en.pdf

2. Overview of key findings from the Comparative study on EU Member States' legislation and practices on food donation (June 2014) – Mr. Yves Somville, European Economic and Social Committee (EESC)

Mr. Yves Somville, EESC member, presented an overview of key findings from the comparative study on EU Member States' legislation and practices on food donation², commissioned by the EESC. The study aimed to: provide an overview of current legislation and practices carried out in the EU Member States (MS); evaluate the legislative or practical barriers to food donation; and establish best practices and recommendations. Outcomes of the EESC study point to the need for clarification on: how to implement a "food use" hierarchy that clearly prioritises redistribution of surplus food for human consumption; role of fiscal measures in encouraging food donation; how to comply with food safety/food hygiene rules; implications of liability legislation for food donation; and date marking rules in relation to food donation.

The Chair thanked Mr Somville for this overview of key findings and indicated that many of the issues identified by the EESC study would be addressed during the course of the meeting.

In follow-up to the presentation, *FoodDrinkEurope* asked the COM about the current state-of-play regarding the possible extension of products exempt from "best before" labelling. Alexandra Nikolakopoulou, Deputy Head of Unit – Nutrition, food composition and information, indicated that COM is currently considering how best to progress on the issue of date marking following feedback received from MS experts and stakeholders. She indicated that it will be important to ensure that any proposed changes to date marking meet consumer information needs and do not put consumer safety at risk. It would also be important that any possible exemptions concern foods that indeed contribute to food waste prevention. The Chair added that COM was also reflecting on the need for further research in this area (eg market research regarding date marking practices) in order to help inform stakeholder dialogue, communications and policy making.

3. Discussion with participants on possible development of EU guidance to facilitate food donation (role, value, key aspects to be addressed....)

The Chair invited participants to share their views on this issue.

Stakeholders indicated that they would favour the development of EU guidance to facilitate food donation, with the *European Federation of Food Banks (FEBA)* expressing a high level of interest. Participants confirmed that the EESC study had identified many of the barriers to food donation in the EU. In addition, stakeholders stated that storage

² http://www.eesc.europa.eu/resources/docs/comparative-study-on-eu-member-states-legislation-and-practices-on-food-donation_finalreport_010714.pdf

and logistics issues, including the need to maintain the cold chain during transport and throughout the supply chain, could be hurdles to food redistribution.

Participants agreed that any EU guidelines on food donation should build on the best practices and guidance existing at MS level. *FoodServiceEurope* stated that, for reasons of food hygiene/food safety, the possibility of donating foods from the catering sector is necessarily limited. However, some MS (F, ES, DE) had developed guidance for the catering sector which could be shared.

FEBA highlighted that guidelines developed at national level were primarily developed for use by the commercial sector. Such guidelines were not always suited to the needs and working context of food banks and other charity organisations, and therefore more specific guidance for these NGOs to help guide the safe donation of foods in compliance with EU legislation could be useful. *FEBA* also indicated that EU guidelines on food donation could provide direction on issues subject to different interpretation by MS authorities; for instance, clarifying that EU legislation does not restrict placing on the market of foods past the "best before" date provided that these are safe and that their presentation is not misleading.

FEBA indicated that EU guidelines could also outline the principles of the "food use" hierarchy, recommending the highest value use of surplus food which should preferably be utilised for human consumption, followed by possible use in animal feed prior to possible utilisation for energy/nutrient recovery. Retailers present also indicated that foods past the "best before" date are not always made available for donation as, where safe to do so, they can be re-utilised in order to produce new foods (eg soups) for human consumption.

Stakeholders raised concerns regarding the issue of liability and transfer of responsibility between actors in the food chain, including food banks. Alexandra Nikolakopoulou explained that under the General Food Law (Regulation 178/2002), food banks are indeed defined as food business operators. However, each operator in the food chain is responsible for the part of the food production/supply chain under its control; the obligations of food law which apply to food banks are much more limited than those of food manufacturers for instance, reflecting their respective, specific activities in the chain.

Kris De Smet, Legislative Officer – Food, Alert systems and Training Unit, underlined that, as for retailers, food banks were considered under the food hygiene rules essentially as distribution centers, with activities limited to storage and transport,. A representative of *FEBA*, *Fondazione Banco Alimentare Onlus*, acknowledged that food hygiene rules related to foods of animal origin (Regulation N° 853/2004) exempted retailers (or food banks) from the need to comply with the Regulation when the supply of food is marginal, localised or restricted. However, in practice, food banks can distribute foods more broadly, and while MS authorities can adopt national measures taking into account such practices, this creates additional administrative burden. Kris De Smet

indicated that the Commission was aware of this issue, which concerns both retailers and food banks, and that the Commission was reflecting on how to simplify the food hygiene rules which apply when retailers donate food to food banks.

Stakeholders also underlined the value of clarifying in EU guidelines the fiscal rules which apply for food donation (eg VAT) and the role of fiscal incentives in this regard.

With respect to the availability of fruit and vegetables for food donation, a representative from DG AGRI, Oana Surdu, explained how the level of EU financial support for market withdrawal of fruit/vegetable (in case of oversupply) for the purpose of free distribution is significantly higher than for non-food uses (eg composting, fertiliser, energy conversion etc..). Recent emergency measures introduced to counter the Russian ban on EU agricultural products allowed greater quantities of fruit/vegetables to be withdrawn and made available to food banks, charities, hospitals etc... A representative from *FEBA* indicated however that these programmes were not fully operational in all MS restricting access of food banks/charity organisations to such produce.

Finally, participants briefly discussed the possible format for such EU guidelines on food donation. Stakeholders expressed preference for a simple, user-friendly format, possibly presented in the form of a Frequently-Asked-Questions (FAQ) document which could be modular and easily updated.

4. Conclusions and next steps:

The Chair thanked participants for their active participation in the discussion. Given the level of interest and support of stakeholders for the development of EU guidelines on food donation, the Commission would continue to progress its work in this area. Stakeholders will be further consulted at relevant stages in the process.

She indicated that the matter was also on the agenda of an upcoming, first meeting of a newly created MS Expert group on Food Losses and Food Waste³. This group would be informed of stakeholder discussions on this issue and invited to participate in future work in this area.

The Chair informed stakeholders of the updating of the Commission's food waste website⁴ and invited participants to share with COM any guidance documents available on food donation at national and/or sector levels which could be published on its website in view of sharing best practice.

³ http://ec.europa.eu/food/safety/food_waste/eu_actions/member_states/index_en.htm

⁴See new section on food donation guidelines at:
http://ec.europa.eu/food/safety/food_waste/library/index_en.htm