



# **Delegation for the Commission to establish a common methodology to measure food waste – legal provisions and planning of work**

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# **Commission's proposal to amend Directive 2008/98/EC on waste - COM(2015)595 final**

- 1. Definition of food waste*
- 2. Member States obligations on food waste prevention, including targets*
- 3. Reporting obligation and measurement methodology*
- 4. Reporting frequency and reporting format*

## Definition of food waste

### **Definition:**

*Article 3.4(a) - "food waste" - means all food as defined in Article 2 of Regulation (EC) No 178/2002 of the European Parliament and of the Council that has become waste.*

### **Interpretation:**

- food - as defined and applied in General Food Law - i.e. referring to entire food (including all its part both edible and not intended to be eaten),
- which has becomes a waste – i.e. which the holder (in this case an FBO or household) discards it or intends or is required to discard

# Member States obligations on food waste prevention (1)

## *Article 9* Prevention of waste

1. Member States shall take measures to prevent waste generation. These measures shall, **at least**:

- 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 as a contribution to the United Nations Sustainable Development Goal to reduce by 50 % the per capita global food waste at the retail and consumer levels and to reduce food losses along production and supply chains by 2030;*
- encourage food donation and other redistribution for human consumption, prioritising human use over animal feed and the reprocessing into non-food products;*

## Member States obligations on food waste prevention (2)

*Art 22 (2a) Member States shall adopt **specific food waste prevention programmes** within their **waste prevention programmes** as referred to in this Article.'*

## Potential future targets

### *Art 9 (3a)*

*By **31 December 2023**, the **Commission shall examine data on food waste provided by Member States** in accordance with Article 37(2) with a view to considering the **feasibility of setting up a Union-wide food waste reduction target to be met by 2030** on the basis of the data reported by the Member States in accordance with the common methodology established pursuant to paragraph 4a of this Article. To this end, **a report from the Commission, accompanied by a proposal, if appropriate, shall be sent to the European Parliament and the Council.***

# Reporting obligation and methodology

## Art 9

**3.** Member States **shall monitor and assess the implementation of their food waste prevention measures by measuring the levels of food waste on the basis of the methodology established in accordance with the delegated act referred to in paragraph 4a, as from the first full calendar year after the adoption of the delegated act that establishes the common methodology and minimum quality requirements in accordance paragraph 4a of this Article.**

**4a.** The Commission shall, **by 31 March 2019 and on the basis of the outcome of the work of the EU platform on Food Losses and Food Waste, adopt a delegated act in accordance with Article 38a to supplement this Directive by establishing a common methodology and minimum quality requirements for the uniform measurement of levels of food waste.**

# Reporting frequency and reporting format

## Art 37 (2)

*Member States shall report the data concerning the implementation (...) of Article 9(3) to the Commission **every year** and shall report this data electronically **within 18 months of the end of the reporting period** for which the data are collected. The data shall be reported in the format established by the Commission in accordance with paragraph 6. The first reporting **period** shall **start in the first full calendar year after the adoption of the implementing act that establishes the format, in accordance with paragraph 6.***

## Art 37 (6)

*The Commission shall adopt **implementing acts** laying down the format for reporting data referred to in paragraphs 1, 2, 2a and 4 **by 31 March 2019**. (...) For the purpose of reporting on food waste, **the methodologies developed under Article 9(4a) shall be taken into account when developing the reporting format.***



# 1. Measurement methodology by delegated act

- ***No Committee, but Expert Group (on Food Losses and Food Waste)***
- ***Adoption by the Commission only - no Member States' voting on the draft***
- ***But, scrutiny period for both Council and Parliament***

## 2. Reporting format by implementing act

- ***Technical Adaptation Committee of Waste Framework Directive***
- ***Adoption by voting of Member States***
- ***Process without involvement of European Parliament***

## Interlinkages between these acts...

### **Art 37 (6)**

*The Commission shall adopt implementing acts laying down the format for reporting data (...) by 31 March 2019. (...) **For the purpose of reporting on food waste, the methodologies developed under Article 9(4a) shall be taken into account when developing the reporting format.***

### **Result:**

- ***Delegated act on methodology has to be adopted (or at least agreed) before adoption of the reporting format***
- ***There is a need to coordinate the efforts between Committee on Waste Directive and Expert Group on Food Losses and Food Waste***

## Coordination of further work

- ***The Commission currently checks the possibility to organise joint meetings for both Expert Group and Committee.***
- ***Participation in the future meetings should be coordinated within Member States – the invitations will be send both to Expert Group and Committee on Waste Directive***

## **Provisional Timeframe for the delegated act on measurement**

- ***16.03.2018 - 1<sup>st</sup> meeting (today)***
- ***Mid-May – 2<sup>nd</sup> meeting (joint)***
- ***Late June – 3<sup>rd</sup> meeting (joint) – resulting in final draft***
- ***October – round of public consultations by Feedback mechanism***
- ***Mid-December – adoption***

## **Provisional Timeframe for the implementing act on the reporting format**

- ***Joint meetings as for delegated act***
  - ***mid May – 2<sup>nd</sup> meeting***
  - ***Late June – 3<sup>rd</sup> meeting***
- ***June 2018 – January 2019 - Possible discussion within the Committee on Waste Directive***
- ***Mid-February (after scrutiny period for delegated act) – voting and adoption***



**Thank you for your attention**