

MEMBER STATE EXPERT GROUP ON FOOD LOSSES & FOOD WASTE

DG HEALTH AND FOOD SAFETY

1st meeting

Brussels, Centre Borschette, meeting room AB-4B

7 November 2014 – From 10:00 to 17:00

SUMMARY REPORT

Member States represented (25):

AT, BE, BG, CY, CZ, DE, DK, EE, EL, FI, HR, HU, IE, IT, LT, LU, LV, MT, NL, PL, RO, SE, SI, SK, UK

EFTA: Norway

Commission:

DG SANCO: Chantal Bruetschy, Anne-Laure Gassin; Bartosz Zambrzycki; **DG AGRI:** Betty Lee; **DG CNECT:** Peter Fatelnig; **DG ENTR:** Benjamin Vallin; **DG TAXUD:** Agustín Miguez Perez.

Chair: *Ms Chantal Bruetschy, Head of Unit Innovation and Sustainability*

1. Welcome and adoption of the agenda

The Chair welcomed policy experts from Member States (MS) to the first meeting of the Commission's Expert Group on Food Losses and Food Waste. She indicated that in the new Commission, the Health and Food Safety Directorate General¹, will lead and co-ordinate all work related to food waste including on (non-binding) food waste targets laid down in the new legislative proposal reviewing recycling and other waste targets². The Chair introduced Mr. Bartosz Zambrzycki from DG Environment (ENV), who will join the food waste team of DG Health and Food Safety. DG Health and Food Safety will contribute to the inter-institutional discussions on the food waste-related issues of the legislative proposal and co-operate closely with DG ENV to this end. Co-operation is also taking place with all DGs concerned including EUROSTAT.

¹ New name of the Directorate General as of 1 January 2017, currently DG Health and Consumers (SANCO)

² [Legislative proposal to review recycling and other waste targets](#)

The Chair suggested that the Expert Group build on the work carried out by the Commission since 2012 on food losses/food waste with the "working group" of stakeholders³ based on the suggested Terms of Reference. In this context, she mentioned that stakeholders have expressed interest in liaising at national level with the MS representatives attending the expert group. All participants agreed with this proposal and adopted the agenda without change.

Conclusions and next steps:

- MS representatives to inform DG Health and Food Safety (anne-laure.gassin@ec.europa.eu) regarding the national contact points which can be shared with members of the stakeholder working group.

2. Mandate and organisation of work of Member State expert group on Food Losses & Food Waste

The Chair presented the draft Terms of Reference (see attached) for the Expert group on Food Losses and Food Waste highlighting the importance of co-operation between Member States and the European Commission as well as between MS themselves. She explained that food waste prevention was typically a matter of subsidiarity, where there can be opportunities to strengthen efforts and accelerate progress through effective co-operation across the EU.

Member States expressed their support for the establishment of the Expert group with a mandate to: identify opportunities for food waste prevention in the EU; discuss/address barriers as and where necessary; facilitate sharing of experience and best practice between MS; and to mobilise where appropriate additional efforts to tackle food waste at national level. Participants confirmed both the value of taking a transversal approach to food waste prevention looking across policy areas and that the expert group does not take decisions on issues under the responsibility of the regulatory committees concerned (eg labelling, food hygiene etc...). All participants agreed that the Expert group would rather support, both the Commission and MS, in identifying and exploring issues (regulatory and operational) having an impact on food waste, and thereby help inform policy discussions and considerations under the relevant regulatory committees.

³Advisory Group on the Food Chain, Animal and Plant Health; Working Group on Food Losses and Food Waste: http://ec.europa.eu/food/safety/food_waste/eu_actions/stakeholders/index_en.htm

Conclusions:

- Terms of Reference adopted without change.

3. Discussion with Member States regarding priority areas to be addressed by expert working group

Several MS stressed the importance of **building a common understanding of the definition of food waste** and to assess where it occurs and how much is wasted at different places in the food production and consumption chain, notably in the light of the legislative proposal to strive to reduce food waste by 30% by 2025. While food waste reduction efforts are often focussed at household level, food losses and waste also occur in other parts of the food chain.

MS indicated that **a monitoring tool and framework should be provided for in legislation** so as to ensure that food waste is measured and monitored consistently throughout the EU. A strong knowledge base is needed. The Chair informed that the work of the EU 7th Framework research project, FUSIONS⁴, is supporting the Commission's approach on food waste prevention. The definition of food waste included in the waste targets legislative proposal is in line with that proposed by FUSIONS and the research project will also help inform the development of appropriate methodology to measure food waste in the EU. The Chair suggested to invite the FUSIONS team to a future meeting so that they may provide an update on their work.

MS highlighted the importance of co-ordinated, cross-sector approaches in tackling food waste. The **involvement of all actors in the food production and consumption chain** is seen as a critical success factor. Several participants (AT, DE, FI, SE, N, NL, UK) indicated that they were pursuing integrated food waste prevention/reduction programmes and would welcome sharing of information, learning and best practice. It was felt that the Commission could play an important role in facilitating such exchange between MS. SE referred, for example, to the work of WRAP⁵ in the UK; in particular, how WRAP has worked with industry in reducing/preventing food waste could be a useful model for other countries, not least given the global nature of the food supply chain. The UK representative confirmed that

⁴ <http://www.eu-fusions.org/>

⁵ <http://www.wrap.org.uk/category/materials-and-products/food>

food waste reduction is not an easy task and requires a cross-sector approach. He indicated that between 2007-2012 the UK achieved a nearly 15% reduction in food waste through a combination of national policy interventions, voluntary agreements (with the retail and hospitality sectors) and a consumer-facing campaign (*Love Food Hate Waste*). He informed participants that WRAP had published a report on results achieved to date and how food waste amounts could be influenced in the future; this report would be made available to experts on publication⁶. Several MS indicated that it would be useful to **share the experience of those countries which are more advanced in their work on food waste reduction in order to facilitate learning**. The Chair suggested that the UK's experience amongst others could be presented at a future meeting.

Several MS indicated that legislation can also impact on food waste and one suggested that it would be important to "wear food waste glasses" when drafting new proposals. **MS stressed however that food safety can in no way be jeopardised by actions to prevent/reduce food waste**. Some MS reiterated their **support for action on date marking**, following on from discussions in Council in May 2014. FI confirmed that research in Finland shows that consumer confusion regarding the meaning of date marking contributes significantly to household food waste. The Chair specified that the Commission was pursuing its work on date marking and that the matter would be further discussed under agenda item 3.2.

SE, N and AT raised the issue of egg waste in relation to date marking, with some arguing that the determination of date marking should be left to the discretion of the food business operator (as for other foodstuffs). The Chair indicated that the issue of date marking for eggs was under consideration currently within DG Health and Food Safety following publication of an opinion of the European Food Safety Authority (EFSA)⁷ on the public health risks of table eggs due to deterioration and development of pathogens. The Chair **invited MS to provide the European Commission with information and data on egg waste linked to date marking** in order to help inform possible policy developments in this area.

MS stressed the **importance of following the food waste/"food use" hierarchy** and that surplus food should as a priority be utilised for human consumption, followed by

⁶ Report published in November 2014 can be found here: <http://www.wrap.org.uk/node/29936>

⁷ <http://www.efsa.europa.eu/en/efsajournal/doc/3782.pdf>

consideration of its possible use as a resource for animal feed where safe to do so. In this context several MS informed regarding guidelines existing or under development at national level to **facilitate food donation**, a point to be further discussed under agenda item 3.3.

Some participants stressed the need to look across all relevant policy areas (for instance, EU agricultural policies regarding organisation of the fruit and vegetable market) in order to identify opportunities for food waste prevention/reduction.

Conclusions and next steps:

- MS confirmed the value of establishing an expert group on Food Losses and Food Waste. The Chair recommended that this group could meet twice yearly, with the next meeting to be organised in the first half of 2015.
- Research:
 - MS recommended that research on food waste and in particular that related to food waste definitions and measurement would be a useful agenda item for the expert group. The Chair indicated that the work of the FUSIONS project could be presented to the group in particular the food waste definitions framework and work on methodology to quantify food waste in the EU. The FUSIONS work packages related to policy scenario analysis and to social innovation would also be relevant for the expert group.
 - It will also be useful for MS to share relevant research carried out on food waste at national level. The Commission's food waste website⁸ could serve as a useful repository to facilitate sharing of such information.
- Sharing experience/best practice:
 - MS are invited to contact the Secretariat should they wish to present their experience and progress to date in food waste reduction.
- Data on egg waste (in relation to date marking):
 - MS are invited to provide the Commission with data on egg waste, and if available, any analysis carried out regarding its possible relation to date marking practices.
- Further actions: see sections hereafter.

⁸ http://ec.europa.eu/food/safety/food_waste/index_en.htm

3.1. How to support awareness raising and engagement in food waste prevention

The Chair gave the floor to Peter Fatelnig (DG CONECT⁹) who informed participants regarding the Commission's role in helping European businesses and organisations to fully benefit from digital services and opportunities. He outlined how the Commission's ICT programmes can support social innovation on food waste prevention and informed MS of open calls for proposals for Collective Awareness Platforms for Sustainability and Social Innovation. MS could find opportunities to link in their work to such programmes and could also help publicise these calls through their respective national networks.

In a "tour de table", MS shared their views on awareness raising on food waste prevention and informed regarding initiatives ongoing at national level, emphasizing the importance of involving all actors in the food chain. With respect to efforts targeted at consumers, several MS underlined the need to communicate on a regular basis and to provide information which is practical and easily accessible. Some MS are also engaging in educational initiatives targeted at children and adolescents in order to engage with citizens on food waste prevention at an early age. Others stated that food business operators also have a key role to play both in reducing food waste in the supply chain and in furthering consumer outreach on this issue.

MS confirmed that national authorities are best placed to develop and implement consumer campaigns as they are in direct contact with target audiences and can effectively tailor communications to meet consumer needs. With respect to a possible role for the EU in this area, MS indicated that **the Commission could facilitate sharing of best practice and contribute to information dissemination**, in particular in areas where EU legislation prevails (eg date marking). Some participants suggested that the Commission could develop guidelines or a handbook on food waste communications, bringing together case studies to draw learning from communications initiatives including results achieved.

⁹ The [Digital Agenda](#) of the EU is managed by the European Commission Directorate General for Communications Networks, Content & Technology. In the new Commission, the DG is responsible for the Digital Single Market.

Conclusions and next steps:

- MS are best placed to encourage and support information/awareness campaigns at national/regional/local levels.
- Commission (COM) has a role to play in complementing and enhancing MS actions:
- COM to support dissemination of information and best practice in food waste communications. The food waste website could be a useful repository for such information.¹⁰
- COM and MS to consider best tools to promote understanding and use of date marking.
- COM to further assess the opportunity of developing guidelines in food waste prevention communications in co-operation with Member States and stakeholders.

3.2. Date marking and food waste prevention

The Chair introduced the agenda item explaining that misinterpretation by consumers of date marking (that is, "use by" and "best before" dates found on food labelling) is considered to have significant impact on food waste in the home (15-20%). In addition, consumers can at times put their health at risk when they assume that they can eat foods past the "use by" date. It is therefore **important for Commission/MS to pursue efforts to promote understanding of date marking, including possible simplification of date marking.**

The Chair gave the floor to Magda Haponiuk, policy officer in the unit dealing with food information to consumers. She indicated that the issue of consumer understanding of date marking has been discussed on several occasions with the Working Group on Labelling under the Standing Committee on Plants, Animals, Food and Feed. In co-operation with policy experts, the Commission has produced a leaflet to explain the meaning of "use by" and "best before" made available in all EU languages on the Commission's website.¹¹

M. Haponiuk explained that the Commission is considering possible options to simplify date marking on foodstuffs; for instance by extending the list of foods which are exempt from the obligation to include a "best before" date in food labelling. Today these include foods such as

¹⁰ http://ec.europa.eu/food/safety/food_waste/good_practices/awareness_information_education/index_en.htm

¹¹ http://ec.europa.eu/food/safety/food_waste/library/docs/best_before_en.pdf

vinegar, sugar, salt and chewing gum but could include other foods for which removal of date marking would not pose a safety concern.

She provided an overview of feedback received to date from MS (members of the Labelling Working Group under the Standing Committee on Plants, Animals, Food and Feed) regarding the possible extension of foods exempt from date marking. Several MS have underlined that foods proposed for exemption from date marking should make a real contribution to food waste reduction (which depending on the food may not always be the case given that foods which could be candidates for exemption would most likely be non-perishable foods with long shelf-lives). Some MS have questioned whether removal of date marking would be in the best interest of consumers (a point also made by the European association of consumer organisations, BEUC) and whether removing dates could possibly result in more foods being thrown away. Others recommend that science-based criteria be defined prior to establishing such a list, possibly involving EFSA. The majority of respondents have indicated that any proposed change to labelling should be backed by information campaigns.

Another option examined by the Commission is the modification of the terminology used for date marking on food labelling. This would be appropriate in particular if there is evidence that alternate wording is better understood and more useful to consumers. In this regard, M. Haponiuk pointed out that the Regulation on Food Information to Consumers offers limited flexibility to modify measures applying to date marking. According to the Regulation, such amendment would only be possible if it is duly justified in terms of consumers' need for information.

Taking into account the above, the Commission is currently considering how best to progress on the issue of date marking. It will be important to **ensure that any proposed changes meet consumer information needs, ensure consumer safety and indeed contribute to food waste prevention.** M. Haponiuk also referred to ongoing discussions on date marking within CODEX Alimentarius.

The Chair added that the **Commission was reflecting on the need for further research in this area** (eg market research regarding date marketing practices) in order to help inform stakeholder dialogue, communications and policy making.

Some MS reported on **research carried out/ongoing at national level on date marking.** SE is co-ordinating, under the Nordic Council of Ministers, a report focussing on how date marking is

established by food business operators. This report will be available by end 2014 and information campaigns are planned in 2015. The NL indicated that they have carried out qualitative research on date marking practices and produced information materials for food business operators. The UK has carried out (through WRAP) work with industry on the use of dates; for instance seeking to reduce use of "sell by" dates in-store and clarifying consumer information and guidance regarding freezing of foods (ie freeze by the "use by" date). FI pointed to retail practices on discounting foods close to the expiry date as well as food donation guidelines published by the food safety agency, EVIRA, which are considered to be helpful in reducing food waste.

Some MS referred to the **need for further guidance at EU level in order to ensure greater consistency regarding marketing of foods past the "best before" date**. While some MS restrict this practice, under EU law it is possible to make available foods past the "use by" date provided that the foods are still safe and the presentation is not misleading for consumers.

Conclusions and next steps:

- MS agreed to share outcomes of relevant research (eg upcoming Nordic Council of Ministers' report on date marking; possibility to share NL research with EN summary?)
- MS will help COM to consider further research needs at EU level and assess whether additional discussion with industry on date marking practices could be useful.
- COM to consider further information/communications efforts on date marking in co-operation with MS and stakeholders.

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

The Chair indicated that the Commission has held discussions with stakeholder organisations regarding obstacles encountered with respect to food donation and the possible value of EU-wide guidelines in this field. The Commission organised on 28 October a working meeting with stakeholders directly involved with food donation (eg farmers, food manufacturers, retailers, hospitality sector and food banks) to explore this issue in greater depth. The European Economic and Social Committee also participated in this meeting in order to

contribute with findings of their recent study which points to areas where EU guidance on food donation could be beneficial¹².

The Chair invited AL Gassin to provide an overview of the main outcomes of the recent meeting held with stakeholders. AL Gassin indicated that **stakeholders confirmed the potential benefit of guidance/guidelines on food donation at EU level**. The Commission's aim in pursuing such work would be to complement, and not duplicate, the detailed guidance on food donation existing in some Member States. Such guidelines could address issues such as: roles/responsibilities of food business operators (with respect to food safety, liability, traceability); how to comply with food hygiene regulations; managing date marking and shelf-life in relation to food donation; fiscal rules and tax incentives related to food donation. Stakeholders agreed to provide more specific input regarding the types of issues/questions which they would like to see addressed in such a document.

MS discussed in particular the **issue of food donation past the "best before" date**. **There are different national rules in this regard and MS indicated that further guidance at EU level could be beneficial**. The Chair specified that this work would be carried out also in close co-operation with the Working Group on Food labelling (notably with respect to the issue of date marking). Some MS provide guidance on donating foods past the best before date (eg guidelines published by the Belgian food safety agency, AFSCA). In the NL, food banks and the Dutch food safety agency have produced a manual on food donation which also addresses the issue of date marking. Some MS underlined that date marking was under the responsibility of food business operators who determined the length of shelf-life of their products; in the same product category, one can therefore find both very short and longer dates. SE informed that the Nordic Council of Ministers was also preparing a report on food donation which would be available by end 2014.

Following **questions on fiscal rules applying to food donation**, Agustín Miguez Perez provided an overview of EU VAT rules and their implications for food donation. He referred amongst others to the VAT Committee guidelines on the application of EU VAT provisions to food donation which have also been made available on the Commission's food waste

¹² http://www.eesc.europa.eu/resources/docs/comparative-study-on-eu-member-states-legislation-and-practices-on-food-donation_finalreport_010714.pdf

website¹³. In the determination of VAT for the donation of foods, the value of those goods needs to be adjusted according to the circumstances and the state of the goods at the time of donation. **When food donations are made close to the "best before" date or the goods are not fit for sale but can be safely consumed, Member States may consider that the value on which the VAT is calculated may be zero (or close to zero) where the food genuinely has no value.** Participants also queried whether corporate tax incentives existing in some MS had had a positive impact on food donation. The Chair suggested that this could be further explored with the MS concerned at a future meeting.

Conclusions and next steps:

- MS were invited to send to COM (anne-laure.gassin@ec.europa.eu) guidelines and future reports on food donation existing at national level. In this way, the Commission can keep up-to-date the section on food donation guidelines recently added to its food waste website.¹⁴
- MS were invited to contribute to the development of future EU guidance to facilitate food donation. The Commission will contact those countries with a particular interest and activity in this area in order to assess their availability for participation in such work.

4. Overall meeting conclusions and next steps

The Chair highlighted the productive and constructive discussion held throughout the day and the positive response from MS who confirmed the value of establishing the Expert Group on Food Losses and Food Waste.

¹³ http://ec.europa.eu/food/safety/food_waste/library/docs/guidelines-vat-committee_en.pdf

¹⁴ See "Guidance for Food donation" at: http://ec.europa.eu/food/safety/food_waste/library/index_en.htm