Title of study: SANTE/2016/E1/024 - Market study on date marking and other information provided on food labels and food waste prevention

Lead Unit: DG SANTE, Unit E1 (in co-operation with DG GROW)
Support Unit: DG SANTE, Unit A3

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1. Purpose of the Contract

The purpose of the contract is to investigate how food business operators and national competent authorities understand and utilise date marking (i.e. "use by" date and "best before" date), as well as other information regarding product use/storage provided on food labels, and assess the possible impact of these practices on food waste.

1.1. Context of the study

Food waste is an increasing concern in the European Union. The need to prevent and reduce food waste, while ensuring the safety of the food and feed chain, is a subject of growing societal, economic, environmental and political interest. According to the most recent assessment of food waste levels published by the EU-funded research project, FUSIONS, around 88 million tonnes of food waste are produced in the EU-28 each year, amounting to an estimated 143 billion euros. The equivalent of 20% of total food produced in the EU is considered to end up as food waste while it is estimated that 55 million people in the EU are not able to afford a quality meal every second day (Eurostat, October 2015). Food waste also has an important environmental impact and, at global level, is considered to contribute up to 8% of global greenhouse emissions (FAO, 2015).

Food waste prevention is an integral part of the Commission's new Circular Economy Package to stimulate Europe's transition towards a circular economy which will boost global competitiveness, foster sustainable growth and generate new jobs. As part of its action plan to tackle food waste at EU level, the Commission is seeking to promote better understanding and usage of date marking.

It is estimated that a considerable share of household food waste (15-33%) in the EU could be linked to date marking due, amongst others, to consumer misunderstanding of the meaning of these dates. Consumers' knowledge and understanding of date marking as well as how to store and use foods in the home will influence the amount of food waste. How date marking is utilised by food business operators and regulatory authorities to manage the supply chain can also impact on food waste (e.g. use of "sell by" dates, active shelf-life requirements on delivery of products at retail, availability of foods for food donation past the "best before" date, etc.).

The study will also help inform an option currently being considered by the Commission and Member States in order to simplify date labelling, that is the possible extension of the list of foods which are exempt from the obligation to include a "best before" date.

Findings from this study will support the Commission's overarching policy objective to promote better understanding and use of date marking by all relevant actors, namely food business operators (such as manufacturers, wholesalers, retailers and mass caterers), consumers, and public authorities in order to prevent food which is still safe and edible from being thrown away.

1.1.1. Background and legal basis

The aim of date marking in food labelling is to help consumers to make safe and optimum use of foods. The date mark is an indication that states the length of time a food can be stored under specified storage conditions. The key piece of EU legislation for date marking is Regulation (EU) No 1169/2011 on the provision of food information to consumers.

There are two types of date marking:

- the "best before" date, which is suitable for most foods and indicates the date until which the food can be reasonably expected to maintain its optimal condition if properly stored. It relates to food quality. There are some foods which are exempted from the requirement of the "best before" date, for example fresh fruit, vegetables, wines, salt, sugar, vinegar, chewing gums;
- the "use by" date, which is required for foods which from a microbiological point of view are highly perishable, and it is therefore likely, after a short period of time, to constitute an immediate danger to human health. After the ‘use by’ date, a food shall be deemed to be unsafe. It relates to food safety.

1 COM(2015)614 final
2 Note from the Netherlands and Sweden to the Agriculture Council of the European Union, May 2014; WRAP (2008b) The Food We Waste
While the date marking is required by law, the type and length of time of date marking are chosen by food business operators, under their own responsibility, with the exception of eggs\(^3\). In addition to the date marking, food business operators are also responsible to provide information on any special storage conditions, conditions of use including the storage conditions and time limit for consumption after opening the package, as well as instructions for use where it would be difficult to make appropriate use of the food.

Further to food business operators, the understanding of date marking by national authorities and national legislation or guidelines in place can also impact on food waste (e.g. use and marketing of foods past the "best before" date, availability of foods for food donation past the "best before" date).

Annex A summarises the EU legislation on date marking and other information provided on the label which are falling within the scope of this study.

### 1.2. Objectives and general approach of the study

The Commission is seeking to carry out a study in order to support its work on date marking in relation to food waste prevention and, in particular, its dialogue with all actors on this issue. The overarching policy objective is to promote better understanding and use of date marking by all relevant actors, including food business operators, consumers and regulatory authorities.

While consumer understanding of date marking has been investigated through different initiatives and studies\(^4\), there is insufficient information available as to how other actors (i.e. food business operators and national authorities) utilise date marking and other information provided on the labels.

In particular, the study consists of three parts whose scope and objectives are the following:

1. The first part of the study shall identify the main categories of foods contributing to food waste in the EU Member States (MS) and where possible to assess whether any relation can be made between disposal of these foods and date marking. The contractor is asked to collect and analyse available food waste data in the EU MS in order to assess the main types or categories of foods contributing to food waste at national level and their respective contribution (in terms of weight and value share) to the discard of foods in households and in the manufacturing, wholesale, retail and food service sectors. Given the paucity of food waste data existing in the EU MS, findings are likely to be limited to a few countries and sectors. Where available, data may be limited primarily to data on household food waste. Where reported in the literature, the consultant should also document the reasons for food waste, and in particular whether relation to date marking is found.

The information collected in this part shall be used to select food categories for which market research will be carried out (part 2 of this study) and to prepare more detailed research on food business operators and national authorities (part 3 of this study).

2. Date marking is under the responsibility of food business operators who determine whether a product will require a "use by" or "best before" date as well as the length of shelf-life taking into account safety, quality and marketing considerations. Different types of dates ("best before" or "use by") can be used within the same food category, which from the user’s perspective, can contribute to confusion regarding the meaning and use of date marking. Additional information conveyed to consumers in labelling such as "open life" guidance (e.g. "after opening consume within 3 days") can also contribute to food waste in the home if such advice is given (or is understood by consumers to be given) based on quality rather than safety considerations. In addition, different storage instructions can be provided for different items in the same category of foods.

The aim of the second part of the study is, by running an extended retail survey, to map diversity in date marking and related information found on food labels (e.g. open life instructions, on-pack storage, usage, cooking and portioning guidance) for selected food categories in the retail environment. Food categories will be selected by the Commission, based on a proposal from the consultant, taking into account amongst other factors outcomes from the first part of the study. The contractor shall analyse the collected data in order to identify any differences or similarities on the above information provided to consumers between products that look, from a consumer perspective, quite similar. For each product type, the contractor will also document other relevant information.

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\(^3\) See section 2 of Annex A concerning EU requirements on eggs related to date marking.

\(^4\) For further information, see: http://ec.europa.eu/food/safety/food_waste/eu_actions/date_marking/index_en.htm
such as the length of shelf-life available for consumers at time of purchase (i.e. at time of survey), and whether foods with shorter shelf-life are made available at discount or through other means.

The data collected through this research will help inform the selection of food business operators that will be interviewed under Task 3.

3. The third part of the study shall, based on evidence gathered from food business operators and national competent authorities, identify the factors considered in defining date marking of given foods and the underlying reasons, analyse the possible impact of their respective practice on food waste generation, and identify opportunities for food waste prevention.

a) for **food business operators**, evidence to be collected include parameters taken into account by food manufacturers in setting dates (type of date, shelf-life, …), commercial practice linked to date marking (selling at lower price foods close to the end of shelf-life, food donation, …), use of date marking by retailers in ordering (e.g. active shelf-life requirements for products on delivery), inventory management, shelf turnover, etc.

b) for **national Competent Authorities**, evidence to be collected include information on their understanding and use of date marking in regulating marketing and distribution of foods (including food donation). Differences in interpretation, practice and legislation on the handling of foods (e.g. the ability to market/donate foods past the "best before" date) at national level should be identified, as well as their respective impact on the use and discard of foods.

The data collected through this part of the study should constitute an important source for the Commission, Member States and food business operators to identify good practice that could be implemented more widely and to identify areas where inconsistency or lack of clarity could be addressed to improve commercial practice linked to date marking (business-to-consumer and business-to-business) or the understanding and use of date marking and distribution of foods (including food donation) by the national competent authorities, enabling businesses and authorities to contribute to food waste prevention.

2. **Task(s) to be performed by the contractor**

The successful tenderer will be asked to perform the following tasks which also form the basis of the indicators of achievement and assessment of deliverables:

### 2.1. **Scope of the study**

The purpose of the work is to collect, analyse and report on a range of factors that impact on food waste relating to date marking (and other information on food storage and use provided on the label) for selected categories of foods sold within the EU market.

### 2.2. **Tasks**

The Commission expects the contractor to perform the following tasks:

2.2.1. **Task 1: Desk research - Compile existing food waste data for all the 28 EU Member States in order to assess main food categories contributing to food waste**

The contractor shall conduct desk research to collect and compile existing food waste data, where available, for all the EU MS in order to identify the main foods contributing to food waste generation in households as well as retail and food service sectors. Information collected and analysed will help inform the selection of foods for market research on date marking practices as well as research carried out amongst food business operators and national competent authorities (parts 2 and 3 of the study). The desk research should be conducted for each of the 28 EU Member States in order to identify the main foods contributing to food waste (expressed by weight and value).

The concept of what constitutes food waste in the 3 abovementioned stages of the food supply chain should wherever possible reflect that presented in the manual developed by the EU-funded research project FUSIONS to
quantify food waste levels. Where different definitions or concepts are used in national studies, these should be documented. Where data for food waste from households are not available, data on food waste from municipal waste can be used instead. The contractor should indicate where data are lacking (e.g. for specific sectors or MS) and how these gaps have been taken into account in their final analysis and reporting of the main foods contributing to food waste in the EU. The information that will be gathered by the contractor will help inform, along with other parameters, the selection of foods for market research on date marking practices.

This task should deliver:

a. Data for each of the 28 MS (where available), including:
   - A list of the main foods contributing to food waste in households as well as retail and food service sectors
     - For all foods (i.e. including fresh, non-prepacked foods without date marking)
     - Only for foods which carry date marking;
   - Reporting of food waste levels by weight and value (per sector where available);
   - Sources of the data (list of studies and data utilised).

2.2.2. Task 2: Market research - Mapping of commercial practices by analysing the use of date marking and other information found on labelling information regarding product use/storage in selected food categories

The overall deliverable of Task 2 is the mapping (quantitative and qualitative) of date marking practices for selected food categories.

Requirements or services

1. The Contractor shall establish a general work plan, propose a research methodology and explain the rationale behind the chosen methodology, including sampling method and weighting factors for agreement with the Commission. The market survey will involve field research carried out amongst a sample of retailers and store formats, representative of the retail environment in each country. Data should be captured separately for stores in at least 5 Member States with the selection of countries aiming to represent the diversity of the situation in the EU based on criteria such as: demographics, geographical coverage, size of country as well as national rules and practice in relation to date marking. Indicatively, the consultant may consider including the following MS: DE, EL, PL, PT and SK. The list of Member States, if different from those indicatively mentioned above, will be proposed by the consultant with the relevant justifications on the basis of the above mentioned criteria for discussion and validation by the Commission.

2. The Contractor shall organise a meeting with the Commission to define the specific food categories and other elements concerning the collection of data. Food categories should be chosen on the basis of several criteria that will be agreed between the Commission and the contractor to reflect those foods which bear a date marking (mainly "best before" date) and which may contribute to food waste. The information gathered in Task 1 would be used in that respect. Indicatively, the following factors or criteria will be taken into account in selecting the food categories for phase 2:
   - possible contribution to food waste (taking into account results of task 1)
   - presence of date marking (i.e. packaged foods)
   - utilisation of both “use by” and “best before” dates in the same food category
   - use of "open life" instructions (in some but not necessarily all foods selected)
   - information on storage/use/freezing/defrosting instructions (depending on the category)
   - variety/breadth of storage/use/freezing/defrosting instructions
   - variety/breadth of ingredients (meat, fish, vegetable) and type of processing (raw and heat treated)
   - variety/breadth of packaging solutions and features

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5 http://www.eu-fusions.org/phocadownload/Publications/Food%20waste%20quantification%20manual%20to%20monitor%20food%20waste%20amounts%20and%20progression.pdf
The contractor should propose at least 10 food categories for this work, explaining for each category, why it was chosen.

3. The Contractor shall develop a structured data capture system (database) that will incorporate the collected data, including product images (i.e. labels). The database should be searchable by the Commission and other actors in order to compile reports for specific foods or Member States, for example. The data should be recorded in the official language of the selected MS and in English, where labelled as such. Where needed to support the analysis of findings, certain wording used in labelling may need to be translated into English.

4. The Contractor shall undertake data collection across a representative sample for each of the selected Member States as a whole of retailers and store formats. The work will determine what is currently available to consumers in the way of, for example:

- date marking
- open life instructions
- on-pack and in-store storage, usage, cooking and portioning guidance
- packaging functionality.

An indicative list of the key data and other contextual information to be collected by the contractor is given in point 7 below.

5. For each food category, the full range of branded and private label foods available in store (including all variants, see point 6 below) should be evaluated.

6. The Contractor shall analyse the data and map, for each food category, where there are differences or similarities in relation to date marking practice. For each food category, the contractor should identify and quantify the use of "use by" and "best before" labelling for each variant (for instance for yogurt: plain, by flavour, low/high fat, bifidus, …). The contractor shall deliver a report which will summarise findings and include evidence-based recommendations for each of the food categories and the work undertaken under this specific task. The data collected through this research should also constitute an important source for the selection of food business operators that will be interviewed under Task 3 in order to identify the underlying factors affecting date marking practices, length of shelf-life and other information provided on the labels between food items which, from a consumer perspective, look quite similar.

7. The project involves collecting a range of data on key food items thought to be representative of their food category.

Indicatively, the key data that should be collected for analysis shall be as follows:

- date marks displayed on the packaging (both type of date marking, and wording used);
- length of available shelf-life (vs date of purchase i.e. at time of survey);
- "open life" instructions (both presence of, and wording used);
- storage instructions (both presence of, and wording used);
- freezing and defrosting instructions, where applicable (both presence of, and wording used);
- the presence of cooking instructions, recipes and tips;
- packaging and pack features related to storage and conservation (e.g. re-closable packs);
- any point of sale information related to use of foods within a certain date (e.g. possible presence of "sell by" dates, discounts for foods close to the "use by" or "best before" date).

The data collection process shall include a representative number of stores covering the whole geographical area across the selected MS. In addition, in order to be able to fully analyse these data, indicatively, the following information (where relevant) shall be recorded:

- retailer name/brand;
- store type/size;
- store location (geographical);
ANNEX I

- whether the food is branded or private label;
- legal/customary/descriptive name of the food;
- where appropriate processing (e.g. pasteurisation) and packaging technique (e.g. packaging gases);
- variant (e.g. standard tomato/original or tomato and herb pasta sauce);
- in-store location (i.e. whether chilled, ambient, frozen or from the deli counter).

2.2.3. Task 3: Stakeholders in-depth interviews

The Contractor shall carry out a minimum of 60 in-depth interviews with:

- a selection of national competent authorities aiming to represent the diversity of the situation in the EU based on criteria such as: demographics, geographical coverage, size of country as well as national rules and practice in relation to date marking. Indicatively the consultant may consider the following MS, taking into account countries included in part 2 as well as MS with active food waste prevention programmes, e.g. DE, EL, NL, PL, PT, SK and UK. The list of Member States, if different from those indicatively mentioned above, will be proposed by the consultant with the relevant justifications on the basis of the above mentioned criteria for discussion and validation by the Commission.
- European organisations representing food manufacturing, retail, food service sectors, consumer organisations and food banks (see Annex B);
- food business operators (minimum of 25 food manufacturers, wholesalers, mass caterers and retailers, including SMEs to ensure that views are sought from large, medium and small enterprises). Information gathered in stage 2 of the study, in particular, will help to identify the food business operators which will be selected for in depth interviews and also inform the questions to be addressed to interviewees.

One-on-one interviews should be carried out (face-to-face, phone, Skype, etc.) according to an interview guide to be agreed with the European Commission. Interviews will seek to investigate how food business operators and national competent authorities understand and implement date marking in their respective areas of work, and the possible impact of such practice on food waste and food waste prevention. The purpose is to determine if there are differences as to how food business operators and Member States regard the application of the legislation and the determining factors for date marking, as well as any differences existing within each group. The aim is also to investigate if differences in the use of date marking by food business operators are based on different food characteristics and storage conditions or if they are due to different commercial practices or regulatory interpretations. Interviews will also help inform the options currently being considered by the Commission and Member States in order to simplify date labelling, that is the possible extension of the list of foods which are exempt from the obligation to include a "best before" date.

The consultant may also propose to complement the interviews with online research in order to reach a broader target audience. The Commission would consider any such proposal in the context of the overall project plan and budget outlined in the offer.

Areas of investigation for these three groups of actors include:

a) food business operators: how date marking is implemented in their business (e.g. with respect notably to: marketing strategy; inventory, shelf turnover and supply chain management; requirements from customers or to suppliers; etc.); parameters taken into account by manufacturers in setting dates (e.g. choice of "use by" vs "best before"; length of shelf-life; how practices may vary depending on type of product, processing and packaging technique, storage temperature, consumer insights, distribution channels, etc.); commercial practice linked to date marking (e.g. discounts for foods close to end of shelf life, food donation, etc.); possible extension of the list of foods which are exempt from the obligation to include a "best before" date.

b) European organisations representing food business operators, including food banks, and consumers: how date marking is utilised in industry and to manage supply chain including redistribution; relevant guidelines; best practice; consumer needs and expectations; etc.
c) **national competent authorities**: understanding and use of date marking in regulating marketing and distribution of foods (including food donation); any existing regulations, administrative guidelines related to date marking; how foods past the "best before" date are regulated; etc.

The Contractor shall report on findings of all stakeholder interviews and analyse them, taking into account findings from the market study (part 2).

### 2.3. General methodological provisions

The contractor is expected to develop and implement a coherent methodology that ensures that all the tasks are sufficiently well covered, including:

- a detailed work plan covering at least: a project plan, detailed timetable, budget allocation for each of the tasks separately, a list of experts and their CVs to be involved in the contractor's team, indicating the task in the project plan to which they will be committed;
- a description of the complete methodology relevant to each of the tasks, taking into account findings from previous research carried out in the EU MS.

The contractor is to work in close collaboration with project officers at the European Commission in charge of follow-up of the contract. The methodology of the study will have to be agreed by the Commission.

The contractor is required to provide the Commission with the necessary quantitative and qualitative data, as well as analytical and descriptive inputs on the objectives of the study as stated in point 1.2.

The study must comply with the quality criteria (see Annex VII) Any assessments, findings and recommendations should be well argued on the basis of rigorous qualitative and quantitative analysis. They should be strongly evidence-based and the methodology and assumptions used should be clearly described. The reasoning followed in the analysis, indicating among other things, the underlying hypotheses of the reasoning, and the limitations of the analysis, must be clearly described. Data should be aggregated for presentational purposes but raw data shall also be provided to the Commission. Data shall be presented in a consistent format, to allow for comparisons.

The study should also be conducted in such a way that the results can be used to improve policy decision-making and thus improve action taken in future. Findings from this study will support the Commission's overarching policy objective to promote better understanding and use of date marking by all actors in the food supply chain (food business operators and consumers) as well as by regulatory authorities themselves in order to prevent food which is still safe and edible from being thrown away.

### 2.4. Time frame

An indicative time frame for works and deliverables for each of the Tasks and deliverables is provided in Section 5.

The contractor is expected to start the collection of data referred to in Task 2, after the finalisation of Task 1 and after an agreement with the Commission on the selection of the food categories, data and other issues (work plan, methodology) relevant to Task 2.

The contractor is expected to start the collection of data referred to in Task 3, after the finalisation of Task 2 and after an agreement with the Commission on the work plan/methodology/questionnaires and any other issues relevant to Task 3.

The contractor can propose a different timeframe on the basis of a detailed work plan and methodology to execute each of the tasks under this contract to be submitted with the tender offer and later subject to discussion and approval by the Commission.

### 2.5. Stakeholders

Stakeholders of particular importance for this study are the food business operators in general (manufacturers, wholesalers, retailers, distributors, caterers) and national competent authorities.
In order to perform the study, the contractor should consult national and EU actors (in charge of food waste, food safety, food composition and information and other relevant issues), as well as relevant food business operators (including SMEs) at national and European level. In addition, where necessary, relevant Non-Governmental Organisations, in particular those dealing with food waste issues should also be consulted.

See Annex B for further information regarding relevant stakeholders.

3. Description of Experts skills & profiles

The contractor should possess high level of expertise and demonstrated experience in the type of study and tasks to be carried out. The contractor should provide a description of the project team who will manage and deliver the work. This should include a list of individuals, their respective roles within the organisation and, for the purposes of this work, their relevant skills and experience including their relevant professional qualifications.

The contractor should have access to and propose experts with proven knowledge and experience in food waste and in conducting and organising quantitative and qualitative market research studies, including retail studies, and stakeholder interviews at EU and Member States level. The contractor should demonstrate capability of accessing documents and interaction with relevant actors at EU level and in Member States as necessary for the completion of the tasks.

3.1. Experts experience required

The contractor should provide CV details of proposed experts, including general working experience (years, assignments), academic education, professional training, level of the necessary knowledge and skills for performing the various required tasks.

3.2. Experts specific skills

The contractor should designate a team leader with experience of at least 5 years in food and food waste-related matters to provide overall strategic direction, manage the project plan and team, oversight and validation of all documents prepared and interface with the European Commission. The team leader must have proven project management skills and preferably a good knowledge of the EU procedures for managing studies with the Commission.

4. Organisation of the work – Budget, deliverables, meetings

4.1. Budget allocated

A price band from EUR 250,000 up to a maximum of EUR 300,000.

4.2. Deliverables

The present assignment includes the submission of a series of deliverables: reports and presentations. The contractor will deliver the following reports at key stages of the study: kick-off meeting presentation, inception report, report 1, scoping report 2, deliverables 2 (report 2, database (including full data and the image bank), scoping report 3, draft final report, final report and presentation. Each report should be written in English, and critically assessed as it provides the basis for tracking the quality of the work done by the contractor. These reports will be submitted to the Commission which may ask for complementary information or propose adjustments in order to redirect the work as necessary. All deliverables and reports must be approved by the Commission.

It is essential that all the reports be clear, concise, unambiguous and comprehensive. They should also be understandable for non-specialists. The presentation of the texts, tables and graphs has to be clear and complete and correspond to commonly recognised standards for studies to be published.

The reports should be provided to the Commission in both MS-Word and Adobe Acrobat (PDF) format with the charts in Excel (other formats may be added). They should be accompanied, where requested, by appropriate annexes and delivered in accordance with the deadlines (timetable) and requirements set out in the Terms of Reference and agreed with the Commission. The Commission will hold the copyright of all deliverables.
More precisely, the following deliverables shall be delivered:

1. **Kick-off meeting presentation**
   The contractor should prepare a presentation covering the elements that will be discussed in the kick-off meeting and in particular to verify:
   - the contractor's understanding of the Terms of Reference, and in particular each of the Tasks specifications;
   - the proposed general approach to the work (methodology, planning, structure of the tasks, deliverables, etc.).

2. **Inception report**
   The inception report completes the structuring phase of the study. This phase should demonstrate the understanding of the contractor of the tasks assigned following preliminary work, the methodology should be described in detail and the resources planning finalised. In particular, it aims to describe the organisation of the work, and to adapt and substantiate the overall approach, the methodology required for each task and/or area of investigation and the work plan outlined in the proposal. The report should set out in detail how the proposed methodology will be implemented, and in particular lay out clearly in tabular form how the method allows each task and/or research question to be answered. The inception report should include enough detail for the Commission services to gain a good understanding of the related methodological steps and tools proposed. The report may supplement and/or suggest additional areas of investigation which the contractor considers relevant. As such, this document will provide an opportunity to make a final check on the feasibility of the method proposed (see the methodology section of each task, segment) and the extent to which it corresponds with the task specifications and areas of investigation. The known sources of information and contact persons in Member States and Food Business Operators, as well as the way the contractor will interact with them will be fully clarified at this stage. The inception report will be submitted to the Commission services which will discuss on this basis with the contractor and may request changes and improvements.

3. **Report 1**
   Report 1 shall describe the work carried out and include the results from the work executed under the Task 1. The conclusions provided by the contractor will be clearly based on evidence generated through the Task 1 in respect to the relevant objectives specified in the Terms of Reference. It will also provide a technical overview of the work process for Task 1 highlighting limitations and possible bias therein.

4. **Scoping report 2**
   Scoping report 2 refers to the works under Task 2. The scoping report 2 should summarise the discussions that have taken place between the Commission and contractor in the scoping meeting for Task 2.
   In particular, it should provide:
   - research methodology and a roadmap for the work necessary to complete the works of Task 2;
   - a proposal on the specific food categories and other elements concerning the collection of data under Task 2 (taking into account findings from Task 1);
   - any questionnaires or other market research tools used to collect and analyse data for Task 2 for validation by the Commission.

   The scoping report 2 will provide the Commission with an opportunity to check whether the task is on track and is focused on the specified information needs.

5. **Deliverables Task 2**
   1. Database - data capture and storage system including flexible reporting system, allowing integrating the existing findings and any new findings from a future survey. Full data collected will be submitted to the Commission including the image bank.
   2. Report 2 which will summarise findings and include evidence based recommendations. The Report 2 shall describe the work carried out and include the results from the works executed under the Task 2. The conclusions provided by the contractor will be clearly based on evidence generated through the Task 2 in respect to the relevant objectives specified in the Terms of Reference. It will also provide a technical overview of the work process for Task 2 highlighting limitations and possible bias therein.
6. Scoping report 3

Scoping report 3 refers to the works under Task 3. The scoping report 3 should summarise the discussions taken place between the Commission and contractor in the scoping meeting for Task 3.

In particular, it should provide:
- research methodology/interview plans and a roadmap for the work necessary to complete the works of Task 3;
- any questionnaires/interview guides or other tools used to collect and analyse data for Task 3 for validation by the Commission.

The scoping report 3 will provide the Commission with an opportunity to check whether the study is on track and has focused on the specified information needs.

7. Final report

The final report shall describe the work carried out and include the results separately for each of the tasks executed under the study. The report for Task 3 should be included and clearly identified in the final report. The conclusions and any recommendations provided by the contractor will be based on evidence generated through the whole study in respect to the objectives specified in the Terms of Reference; any additional evidence utilised to substantiate conclusions should be clearly documented. It will also provide a technical overview of the study process highlighting limitations and possible bias therein.

The final report shall include an executive summary of not more than 6 pages (synthesis of analyses and conclusions), this executive summary must be provided in English and French, a draft one-page abstract of the key messages arising from the overall research project, the main report (structure to be confirmed by the Commission services but planned to reflect the content of the assignment), technical annexes (one of which will be the Task Specifications/questions and a compilation of all requested country and/or stakeholder-based information, where applicable).

The contractor shall take account of the results of the comments and discussions with the Commission services regarding the final report insofar as they do not interfere with the autonomy of the contractor in respect to the conclusions.

8. Presentation

The contractor should also provide a PowerPoint presentation of key aspects and findings of the study, together with speaking notes. At the request of the Commission, the contractor should provide a maximum of two presentations to interested stakeholder groups.

4.3. Quality Assessment

In order to ensure the necessary level of quality for the independent study, contractors should always bear in mind that:

a) the study must respond to the information needs, in particular as expressed in the Task Specifications and following discussions with the Commission;
b) the methodology and design must be appropriate for obtaining the results needed to address the tasks and answer the study questions;
c) the collected data must be appropriate for their intended use and their reliability must be ascertained;
d) data must be analysed systematically to address the tasks and answer the study questions and to cover all the information needs in a valid manner;
e) findings must follow logically from and be justified by the data/information analysis and interpretations based on the pre-established criteria and rationale;
f) to be valid, conclusions must be non-biased and fully based on findings; and
g) particular attention will be given to the conclusions. All areas which need improvements must be identified in conformity with the conclusions.

4.4. Meetings with the Commission

Whereas most of the coordination of the activities will be possible via e-mails, teleconferences, audio or videoconferences, the contractor will be required to attend face to face meetings in Brussels with Commission officials throughout the process.

The number of meetings within the duration of the contract is estimated at 5-7, including:
4. Validation of Deliverables

The Deliverables of this project must be sent to the Commission in the specified timeframe and format. Upon final reception of the complete data for a Deliverable, the Commission will either inform the contractor that it approves the Deliverable or will send him its comments within 10 working days. In the absence of any comments from the Commission within 10 working days of reception of a Deliverable, the contractor may request a written acceptance.

Within 10 working days of receiving comments, the contractor will send the Commission a reviewed Deliverable, which will either take the comments into account or put forward alternative proposals. If the Commission does not expressly inform the contractor of any additional comments within 10 working days, the reviewed Deliverable will be deemed to have been approved.

5. Timetable for works and deliverables

The duration of the tasks covered by this contract will start on the date the contract is signed by the last contracting party and shall not exceed 14 months. All periods specified in the contract are calculated in calendar days. Execution of the tasks shall start from the date of entry into force of the contract.

Timeframe for providing the services

The overall indicative timeframe is the following. Besides the above deliverables, the table includes the meetings and other tasks described in Sections 4.4 and 4.5.
## Timetable for works and deliverables

<table>
<thead>
<tr>
<th>MONTH</th>
<th>ACTIVITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>M1</td>
<td>Kick-off presentation – Meeting with DG SANTE (1)</td>
</tr>
<tr>
<td>M2</td>
<td><strong>Inception report</strong> – Meeting with DG SANTE (2)</td>
</tr>
<tr>
<td>M2-3</td>
<td>Validation of inception report</td>
</tr>
<tr>
<td>M3-5</td>
<td>Task 1</td>
</tr>
<tr>
<td>M4-5</td>
<td>Report 1</td>
</tr>
<tr>
<td>M5</td>
<td>Validation of report 1</td>
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<tr>
<td>M6-10</td>
<td>Task 2</td>
</tr>
<tr>
<td>M6</td>
<td>Scoping report 2 – Meeting with DG SANTE (3)</td>
</tr>
<tr>
<td>M6-7</td>
<td>Validation of scoping report 2</td>
</tr>
<tr>
<td></td>
<td>Payment 1 (30%) [after validation of the scoping report 2 is completed]</td>
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<tr>
<td>M9-10</td>
<td>Deliverables Task 2</td>
</tr>
<tr>
<td>M10</td>
<td>Validation of deliverables Task 2</td>
</tr>
<tr>
<td></td>
<td>Payment 2 (30%) [after validation of the deliverables Task 2 is completed]</td>
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<tr>
<td>M10-12</td>
<td>Task 3</td>
</tr>
<tr>
<td>M10</td>
<td>Scoping report 3 - Meeting with DG SANTE (4)</td>
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<tr>
<td>M10-11</td>
<td>Validation of scoping report 3</td>
</tr>
<tr>
<td></td>
<td><strong>Final report</strong></td>
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<tr>
<td>M13-14</td>
<td>Final report (including report 3) and presentation - Meeting with DG SANTE (5)</td>
</tr>
<tr>
<td></td>
<td>Validation of the final report and presentation</td>
</tr>
<tr>
<td></td>
<td>Balance Payment [after validation of final report and presentation is completed]</td>
</tr>
</tbody>
</table>
6. References

6.1. Annexes to the Task Specification
- Annex A: EU legislation on date marking and other information on storage/use of foods
- Annex B: Stakeholders relevant to this project: see Commission's food waste website,

6.2. Other existing documentation/data and how to access it
- Infographic on date marking: [http://ec.europa.eu/food/safety/docs/fw_eu_actions_date_marking_infographic_en.pdf](http://ec.europa.eu/food/safety/docs/fw_eu_actions_date_marking_infographic_en.pdf)

6.3. Useful web-links
  - See also "resources library" section related to date marking
- FUSIONS (Food Use for Social Innovation by Optimising Waste Prevention Strategies) is a project about working towards a more resource efficient Europe by significantly reducing food waste. The project runs for 4 years, from August 2012 to July 2016. It is funded by the European Commission Framework Programme 7:[http://www.eu-fusions.org/](http://www.eu-fusions.org/)
Annex A: EU legislation on date marking and other information on storage/use of foods

1. Regulation (EU) No 1169/2011

The following provisions of the Regulation are relevant to the scope of this contract:

Date marking

**Article 2(2)(r)** provides that ‘date of minimum durability of a food’ means the date until which the food retains its specific properties when properly stored.

Article 9(1) requires that ‘1. In accordance with Articles 10 to 35 and subject to the exceptions contained in this Chapter, indication of the following particulars shall be mandatory: [...]’

(f) the date of minimum durability or the ‘use by’ date;

(g) any special storage conditions and/or conditions of use; [...] 

(j) instructions for use where it would be difficult to make appropriate use of the food in the absence of such instructions; [...] 

**Article 24** provides that:

1. In the case of foods which, from a microbiological point of view, are highly perishable and are therefore likely after a short period to constitute an immediate danger to human health, the date of minimum durability shall be replaced by the ‘use by’ date. After the ‘use by’ date a food shall be deemed to be unsafe in accordance with Article 14(2) to (5) of Regulation (EC) No 178/2002.

2. The appropriate date shall be expressed in accordance with Annex X.

3. In order to ensure a uniform application of the manner of indicating the date of minimum durability referred to in point 1(c) of Annex X, the Commission may adopt implementing acts setting out rules in this regard. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).

**Annex X** provides that:

"1. The date of minimum durability shall be indicated as follows:

(a) the date shall be preceded by the words:

— ‘Best before …’ when the date includes an indication of the day,

— ‘Best before end …’ in other cases,

(b) the words referred to in point (a) shall be accompanied by:

— either the date itself, or,

— a reference to where the date is given on the labelling,

If need be, these particulars shall be followed by a description of the storage conditions which must be observed if the product is to keep for the specified period;

(c) the date shall consist of the day, the month and possibly, the year, in that order and in uncoded form.

However, in the case of foods:

— which will not keep for more than 3 months, an indication of the day and the month shall be sufficient,

— which will keep for more than 3 months but not more than 18 months, an indication of the month and year shall be sufficient,

— which will keep for more than 18 months, an indication of the year shall be sufficient,

(d) subject to Union provisions imposing other types of date indication, an indication of the date of minimum durability shall not be required for:

— fresh fruit and vegetables, including potatoes, which have not been peeled, cut or similarly treated; this derogation shall not apply to sprouting seeds and similar products such as legume sprouts,

— wines, liqueur wines, sparkling wines, aromatised wines, and similar products obtained from fruit other than grapes, and beverages falling within CN code 2206 00 obtained from grapes or grape musts,
ANNEX I

— beverages containing 10 % or more by volume of alcohol,
— bakers’ or pastry cooks’ wares which, given the nature of their content, are normally consumed within 24 hours of their manufacture,
— vinegar,
— cooking salt,
— solid sugar,
— confectionery products consisting almost solely of flavoured and/or coloured sugars,
— chewing gums and similar chewing products.

2. The ‘use by’ date shall be indicated as follows:
   (a) it shall be preceded by the words ‘use by ...’;
   (b) the words in point (a) shall be accompanied by:
      — either the date itself, or,
      — a reference to where the date is given on the labelling,
   Those particulars shall be followed by a description of the storage conditions which must be observed;
   (c) the date shall consist of the day, the month and, possibly, the year, in that order and in uncoded form;
   (d) the ‘use by’ date shall be indicated on each individual prepacked portion."

**Article 25** provides that "1. In cases where foods require special storage conditions and/or conditions of use, those conditions shall be indicated. 2. To enable appropriate storage or use of the food after opening the package, the storage conditions and/or time limit for consumption shall be indicated, where appropriate".

**Article 27** provides that "1. The instructions for use of a food shall be indicated in such a way as to enable appropriate use to be made of the food. 2. The Commission may adopt implementing acts setting out detailed rules concerning the implementation of paragraph 1 for certain foods. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2)"

**Article 8(1)** provides that 1. The food business operator responsible for the food information shall be the operator under whose name or business name the food is marketed or, if that operator is not established in the Union, the importer into the Union market.

2. **EU requirements on date marking for eggs**

The EU legislation provides also for certain rules on date marking on eggs. More particular:

The "best before" date is applicable to eggs marketed as class "A/Fresh" (table eggs) and is fixed in the marketing legislation at 28 days from laying. A "sell by" date is furthermore fixed at 21 days within the Hygiene Regulation.

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6 Article 2 of Regulation (EC) No 589/2008 on the marketing of eggs.
Annex B: Stakeholders relevant to this project

See Commission's food waste website, in particular:

- Member States: http://ec.europa.eu/food/safety/food_waste/eu_actions/member_states/index_en.htm
- Stakeholders: http://ec.europa.eu/food/safety/food_waste/eu_actions/stakeholders/index_en.htm