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HEALTH AND CONSUMERS DIRECTORATE-GENERAL
Safety of the Food Chain
Innovation and Sustainability

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Member State Working Group on Food Losses and Food Waste

Draft Terms of Reference (ToR)

1. Background

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.

Strong support was expressed by Member States in a recent Council meeting (AGRIFISH, 19 May 2014) underlining the added value of action at EU level to tackle food waste. Member States would support taking action with respect to date marking (eg possible extension of foods exempt from date marking) and, more generally, to identify and address possible legal barriers that lead to food losses and food waste.

The Health and Consumers Directorate-General (DG SANCO) established in 2012 a stakeholder Working Group on Food Losses and Food Waste, under the Advisory Group on the Food Chain, Animal and Plant Health,¹ in order to identify the best possible actions that could be taken at EU level. This group is composed of stakeholder organisations representing farmers, the food industry, retailers, consumer and other non-governmental organisations.

DG SANCO now proposes to establish (in close co-operation with DG Environment) a dedicated Working Group with experts from Member States in order to build on and complement the work which the Commission has engaged with stakeholders in this area. This Working Group would also liaise directly with the relevant sections and related working groups under the Standing Committee on the Food Chain and Animal Health as well as other regulatory committees as appropriate (eg with respect to food donation, the VAT Committee).

¹ http://ec.europa.eu/food/food/sustainability/stakeholders_en.htm

2. Establishment of a Member States Working Group on Food Losses and Food Waste (MS WG on FLW): role, objectives, and operational framework

2.1. Role and objectives

The MS WG on FLW will help the Commission and MS to identify and prioritise actions to be taken at EU level in order to prevent food losses and food waste. Its work will be of a horizontal nature, aiming to identify opportunities for food waste prevention across the food production and consumption chain. More specifically, it will identify and seek to remove, wherever possible, any barriers, whether regulatory or not, which lead to food waste.

The MS Working Group on Food Losses and Food Waste will also facilitate sharing of information, learning and best practice related to food waste prevention.

The Commission will ensure that this work is carried out in close co-operation with stakeholders through the Working Group on Food Losses and Food Waste and will facilitate a two-way exchange between the two expert groups.

2.2. Operational and Legal Framework

The MS WG on Food Losses and Food Waste is an informal expert group set up by DG SANCO under the scope of the General Food Law (Regulation N° 178/2002), the overarching legal framework for food and feed safety and animal health. Its remit is to support the Commission as well as Member States in identifying ways to prevent and reduce food waste without compromising food safety, feed safety and/or animal health.

The WG will support progress in areas such as:

- Research to strengthen the evidence base (consumer, scientific, etc...)
- Awareness, information and education campaigns
- Simplifying and promoting better use of date marking
- Facilitation of food redistribution
- Guidance to ensure the highest value use of wasted food ("food use hierarchy")
- Technological and social innovation.

The WG will provide advice and expertise to the Commission and Member States to prepare possible policy initiatives and improve the coherent implementation of existing EU legislation, programmes and policies with respect to food waste prevention.

In a cross-cutting approach, the working group could consider relevant policy areas which may impact on food waste (such as food information to consumers, food hygiene, feed legislation, animal by-products etc...) as well as the co-ordinated development of guidance and/or joint communications initiatives in selected priority areas (for instance, EU guidelines to facilitate food donation; guidance to industry on date marking etc...).

Importantly, while this WG may discuss and recommend policy options (eg on date marking), it is the relevant working groups of the Standing Committee on the Food Chain and Animal Health (or other regulatory committees) which would consider these issues further, in their respective areas of competence (eg food labelling, food hygiene, animal by-products, VAT etc.....).

The MS WG on Food Losses and Food Waste will not directly work on issues related to the measurement and monitoring of food waste - that are being developed within the framework of DG Environment's waste policy – but will take into account the results of this work, i.e. the evolution of food waste levels in Member States over time as better data are collected.

3. Proposal

Member States are asked to designate a permanent member to participate in the WG. Depending on the agenda of a given meeting, Member States may in addition wish to designate an additional representative, specialised in a given issue (eg date marking).

In order to assist national authorities in selecting experts for this working group, a draft list of possible agenda items which could be considered at meetings of the working group is presented in Annex 1.

Annex 1:

Possible agenda items

- Date marking in relation to food waste
 - Consumer understanding, food consumption and food waste patterns, food waste characterisation
 - Industry practices in relation to date marking; opportunities to encourage consistency and streamlining
 - Discuss possible options covering both date marking rules and consumer information
- Food Redistribution
 - Guidelines for food donation:
 - Food safety/hygiene: guidance regarding interpretation of date marking and product shelf-life; conditions for storage, transport and traceability
 - Food donation from specific sectors (eg food service)
 - Fiscal rules applying to food donation: VAT, corporate tax deduction
 - Legal liability
- Safe use of former foodstuffs as resource for animal feed
- Food use hierarchy
 - Food waste definitions (according to food resource flows)
 - NB – details regarding food waste measurement, targets etc would be addressed in separate/appropriate DG ENV/MS fora
 - Guidance on implementation of food use hierarchy to ensure highest value use of food in the food production and consumption chain
- Awareness, information and education campaigns
 - Discuss/recommend role of EU-wide campaign to complement information and education campaigns at national level
 - Identify and prioritise key issues to be addressed, eg date marking rules
 - Support development of "best practice" database on food waste reduction/prevention
 - Share best practice, results, lessons learned from waste prevention/social innovation initiatives
 - Discuss/consider co-ordinated action in context of EXPO 2015