

## **EU PLATFORM ON FOOD LOSSES AND FOOD WASTE:**

### **MEETING OF THE FOOD DONATION SUB-GROUP**

**5 June 2025**

#### **1. Presentation by Germany on a proposal to introduce a definition of ‘charitable food business operator’ in the General Food Law Regulation and discussion with members.**

- Background:
  - Proposal to introduce a definition of food charity
  - Publication of final report in June 2024
  - AOB-point during AGRIFISH council meeting on 10 December 2024
  - Now: dialogue on EU-level
- Existing food law framework takes little account of food redistribution
- Designed to optimally protect the health and commercial interests of consumers
- Privileges need to be created for both donors and recipients
- Regulation: same regulatory framework to both charitable and business organisations (food operators)
- Introduction of a new definition of charitable food business operator + certificate of competence = requirement for privileges
- Certificate: demonstrate competencies in redistribution of food (Annex II, Chapter 12 of the Regulation) increasing food safety, reducing civil liability risks and reducing insurance risks
- Introduction of specific rules to facilitate food donation (inspection obligation, traceability and food labelling):
  - EU-wide definition
  - Inspection obligation: simplify procedure, donors obligation limited to verification of certificate of competence
  - Now, it's the food operator that must check the food and then the charity organization checks it too
  - Quality assurance agreement to specify the inspection obligations
  - Restos du Coeur, Hungarian Food Bank Association: Concerned that the new framework will push the inspection responsibility to food banks. Donors can give bad food, trash, since they are not responsible for the food.
  - In Proposal, suggestion to oblige donors to pay any extra costs
  - Labelling: protection from economic disadvantages by preventing deception or misleading information. No redistribution if labelling issues affect allergic ingredients, list of ingredients etc.
  - Traceability: introduction of a simplified delivery note.
  - BOROUGH (Greece): need for differentiation between B2B and B2C donations
  - Hungarian Food Bank Association: suggests keeping the Guidelines that are good. Leave MS create their own guidelines, which will be more flexible than with EU Regulation

## **2. Discussion on recommendations to tackle barriers for redistribution of surplus food in the EU (I) – introduction by DG SANTE, presentations by rapporteurs and discussion with members**

- All discussion and recommendations will appear in a report, with general findings on the current food donation landscape in the EU, findings on barriers and opportunities of non-regulatory nature.
- Next steps:
  - SANTE to draft recommendations, sent to sub-group.
  - SANTE to draft the report and distribute to all Platform members for feedback
  - Dissenting opinions/recommendations to be included in an annex to the report

### **a) Liability**

- Art. 17 General Food Law:
  - responsibility of the food business operator
  - no exception at national level possible
  - MS must maintain a system of official controls/establish rules
  - Liability depends on structure at national level
- How to facilitate donation:
  - Good Samaritan law as model
  - Contractual agreements between food donors and charity organisations
  - Best before date
  - BOROUME: until 2020, exclusively contractual agreements. Since 2021, a Good Samaritan Law-like law in Greece. Liability clauses, transferring ownership and liability from companies to charities
  - FEBA: on issue is the partnership with national food safety authorities. Comm could facilitate the discussion between authorities.
  - Hungarian Food Bank Association: fear from donor's side that there is a risk and it is a big barrier. Need for clear guidelines where the responsibilities of all operators in the value chain are clear. Proposes a best practices, consolidation guidelines on the Platform. Need of clarification of the guidelines.
  - Eurocommerce: For food operators, retailers, liability is a strong barrier to donation.
- FEBA: need harmonisation of interpretation of guidelines and more flexibility.

### **b) Traceability**

- Food operators have the obligation to trace the product one step before and one step after in the supply chain
- Issues:
  - Lack of human resources
  - Issue of discrepancies at national levels in the implementation of this obligation
  - Lack of technical means to ensure this obligation
  - Large quantities are given
- Solutions:
  - Make it less strict for some actors

- Controls by authorities less strict
  - To amend legal act
  - Simplify traceability procedures, particularly for short life products
- Need for flexibility in respecting the type and number of products

#### **c) Labelling, excl. date marking**

- Prepacked foods, the original labelling must remain intact
- Inflexible application of labelling rules, combined with fear of legal repercussions are barriers to donation
- Solutions:
  - Proportionate approaches to minor labelling errors
  - Developing EU-level guidance distinguishing between critical safety information and non-essential
  - Need to further harmonise labelling rules across the EU to facilitate cross-border food donations
- Hungarian Food Bank Association: in HORECA, flexibility is used. Use different channels to identify the information since it is not provided in form of labelling
- BOROUME: mass cooperation with HORECA in Greece. Always contractual relation. Information is not available on every meal

### **3. Discussion on recommendations to tackle barriers for redistribution of surplus food in the EU (II) – presentations by rapporteurs and discussion with members**

#### **d) Date marking**

- Resto du Coeur: in France, clear guidelines to make sure products are not degraded.
- BORUME: in Greece, legislation allow retailers to sell food past before date, but no single retailer applies this, they consider consumers would not consider this positively. Both retailers and charity don't want to offer second grade food to consumers.
- Luxembourg, Denmark: tolerate food pas before date in condition that consumers are informed.
- Too good to go: need to change consumer's behavior towards past before date. There is an incentive in paying less for past dates products.
- Sweden: need to update the guidelines on the best before dates on products
- Disseminate more the EFSA report from 2020.
- More education campaign
- Research based guidelines on how to use different types of products
- In general, inform more consumers and charities on use by and best use before.

#### **e) Hygiene – freezing of meat**

- Food operators must freeze meat intended for market without undue delay (Commission Delegated Regulation 2021/1374)
- Each national authority has the flexibility on whether to set national rules or assess case by case

- The exemption to freeze meat at retail as introduced in the Hygiene Regulation on animal products in 2021 to promote and facilitate food donation while guaranteeing safety to consumers
- Meat is a sensitive product, need to ensure foodbanks have the adequate infrastructure
- Main recommendation: clarification of freezing of raw meat

**f) Hygiene – donation of animal products from retail to retail ('marginal, local and restricted activities')**

- Food business can apply for an MLR exemption to the full Regulation 853/2004 obligations
- MS can define when it is permitted or not
- Denmark: not incorporated Regulation et, all retailers are treated equally.