



REPORT



Hurdles and drivers for food redistribution in European countries

22 APRIL 2021 / ONLINE MEETING



Introduction / Welcome to our virtual skill-sharing session!

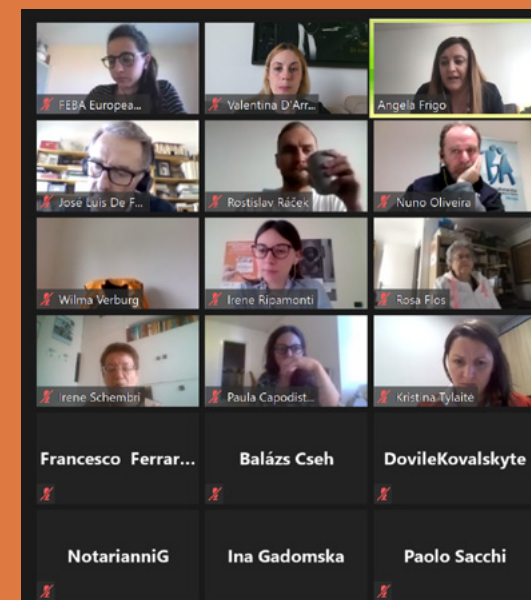
→ Target

FEBA Full and Associate Members

38 participants from 18 different countries

→ Objective

The skill-sharing session had as main objective to discuss about the main hurdles and drivers to food redistribution at national level. Participants had the possibility to listen to updates and insights about the Farm to Fork Strategy thanks to the intervention of an official from DG Health and Food Safety, European Commission.





Programme

9:30 - 9:45	Welcome / Agenda and expectations from participants	Angela Frigo, Secretary General, FEBA
9:45 - 10:15	Expert's View & Advice José Luis De Felipe Gardón, Senior Expert, DG Health and Food Safety, European Commission	
10:15 - 10:50	Q&A	
10:50 - 11:00	Wrap-up and conclusions	

Acknowledgement



The European Food Banks Federation takes this opportunity to gratefully acknowledge the European Commission for concretely supporting the capacity building of FEBA and its membership.

A deep appreciation to José Luis De Felipe Gardón from DG Health and Food Safety (European Commission) for dedicating time to our meeting, sharing important insights and information for FEBA Members and their daily operations.

Last but not least, many thanks to all the participants who actively contributed to the success of the skill-sharing session!

We are looking forward to keeping on working together.

Drivers and hurdles for food redistribution



To begin the session, an interactive activity was proposed to the participants. It consisted in listing all the **drivers and hurdles for food redistribution** that participants are facing at national level. The participants were first asked about **hurdles**.

We can distinguish three main forms of hurdles among the list that was drawn:



1 / Financial issues

Financial issues refer to what every company, association or individual can experience: funding and revenue that are not matching with a necessary budget of functioning.

This was expressed through different types of issues:

- Low donations
- Finding new donors
- Lack of financing



Despite the hurdles, there are also drivers. Participants were asked to list what was making the food redistribution go further in their own country. It is possible to divide the drivers in three categories:



2 / Administrative obstacles

Administrative obstacles are often referred to as a legislation not in favour of food donation. It can also be understood as a complicated system of *expiration dates*, or the nature of the *tax system*. Those are heterogeneous problems, nonetheless they have in common the fact that they all depend on public authorities, may they be European, national, or local.



3 / Logistical hurdles

Logistics qualifies as the last and third major hurdle evoked by the participants. It is possible to find issues such as a *lack of volunteers* or *vehicles*. While the lack of volunteers depends on different and complex factors, the lack of vehicles is directly linked to financial issues.

Then, participants highlighted other hurdles such as uneven quantities of food, and this goes hand-to-hand with issues such as inhomogeneous territory and uneven partners' network. The physical incapacity to automatically balance the amount of food received in time and space creates disparities between different periods and cities.



1 / Social drivers

Social issues came first, as the biggest word on the screen was *solidarity*. According to participants, the most important thing for boosting food redistribution is the will of the different actors of the chain to collaborate and help each other. The will of donors, volunteers, public authorities, etc. This tells a lot about the backbone of the Food Banks. However, the will of solidarity cannot create such massive donations and the other major drivers for redistribution were tax reductions for donation and economic drives for donation.



2 / Administrative and legal drivers

The second pillar of the Food Banks chain: a fiscal incentive to promote the donation of surplus food. Indeed, companies would not always donate food from their own initiative. However, once they can obtain fiscal incentives or tax deductions, the donations can increase.



3 / Ecological drivers

Last major driver consists in awareness regarding ecology and climate change. As it helps people in need of food assistance, food redistribution also avoids tonnes of food from going directly to the landfill.



Food donation at the EU level / Expert's view and advice from the European Commission



*José Luis De Felipe Gardón, Senior expert
DG Health and Food Safety, European Commission*

A / What has been achieved

José Luis De Felipe's intervention dealt with matters of **hygiene and fiscal policies regarding food redistribution at European level**.

Hygiene and food safety for food donation is crucial anytime, but in the context of the global COVID-19 pandemic, they have taken an even more important role amongst all actors in the food supply chain including Food Banks and other charities.

Since the adoption of the [EU Circular Economy Action Plan \(2015\)](#), many steps have been taken by the European Commission in cooperation with Member States and stakeholders in the food value chain:

- Establishment of the [EU Platform on Food Losses and Food Waste \(FLW\)](#), 2016
- **Facilitate food donation** with the [EU Food Donation Guidelines](#) (2017) and a EU project on food redistribution
- [Recommendations for Action in Food Waste Prevention](#) with FEBA as co-rapporteur (2019)
- [Waste Directive 2008/98/EC](#) with new obligations for Member States to reduce food waste at each stage of the food supply chain and monitor and report on food waste levels according to a common food waste measurement methodology
- **Promote better understanding and use of date marking**

EU Food donation guidelines (2017)

As part of the Circular Economy Action Plan, on 16 October 2017 the European Commission adopted [EU food donation guidelines](#) in order to facilitate the recovery and redistribution of safe, edible food to those in need. Developed in consultation with the EU Platform on Food Losses and Food Waste, the EU food donation guidelines seek to:

- **Facilitate compliance of providers and recipients of surplus food** with relevant requirements laid down in the EU regulatory framework (e.g. food safety, food hygiene, traceability, liability, VAT, etc.);
- **Promote common interpretation by regulatory authorities** in the EU Member States of EU rules applying to the redistribution of surplus food.

Key recommendations for action in food waste prevention (2019)

The **key recommendations for action of the EU Platform on Food Losses and Food Waste** were published in December 2019.

In line with the integrated, holistic approach needed to tackle food waste without compromising food safety, the Platform recommendations address action required by public and private players at each stage of the food supply chain (including food redistribution). The recommendations also include a set of horizontal or 'cross-cutting' recommendations, which are common across various stages of the food value chain, often involve multiple actors and are needed to achieve the global food loss and waste targets laid down under Sustainable Development Goal (SDG) Target 12.3.

Recommendations for Action in Food Waste Prevention

Developed by the EU Platform
on Food Losses and Food Waste

12 December 2019



The recommendations for action will play a key role in helping to scale-up action across the EU, mobilising Member States, food businesses, and civil society, as called for by the Farm to Fork Strategy.

In the section dedicated to food donation three main aspects are addressed:

1. Promote the uptake of the EU guidelines on food donation and, where needed, adopt national guidelines and/or legislation to further facilitate food donation
2. Promote the use of surplus food for food donation both in quality and quantity
3. Innovate and modernise food donation



Then the presentation focused on the importance of the distinction between expiration dates.

There are two different types of dates that can be found on food: [best before and use by](#).

Best before and use by: what's the difference?

- **Best before** concerns food quality and does not mean that the product is to be thrown away after the date.
- **Use by** is however a safety date and means that food is not safe for human consumption past the “use by” date. This is important since the confusion between the two dates is frequent, leading to food waste. There is hence a need to strengthen information campaigns to better inform consumers about the meaning of these dates..

The last major points addressed were dealing with fiscalities and **tax barriers**. For José Luis De Felipe, “*Financial barriers should not prevent donations*”. Fiscal policies are governed at national level and, as regards food donation, best practices in this regard are shared through the EU Platform on FLW.

Some Member States, such as France and Italy, have laid down specific regulatory frameworks related to food waste prevention. For example, French legislation obliges supermarkets to donate food to Food Banks and other charity organisations. On the contrary, Italian legislation promotes food donation through incentives and simplification of administrative procedures.

The goal is hence to promote dialogue between all actors of the chain in order to implement the EU guidelines on food donation while modernising and innovating food donation to act against food loss and food waste.

B / What is the progress and what needs to be done

Farm to Fork Strategy: what's in for Food Banks?

- The Strategy integrates 3 dimensions of sustainability: social, environmental, and economic
- Food security is a cornerstone of sustainable food systems – ensuring that everyone has access to sufficient, safe, nutritious, and sustainable food

- Highlights on the crucial role of Food Banks' partners (food industry, retail, hospitality, and food services) in meeting sustainability goals

- Upholds collective approach (public/private sectors) in transition to sustainable food system

Next steps for the Farm to Fork Strategy:

- The European Commission continues to act for better management of food and to reduce food waste. In order to accelerate progress, the Commission will propose EU-level targets to reduce food waste (by 2023).
- Date marking will be revised with a legislative proposal foreseen by 2022
- The Commission will further integrate food loss and waste prevention as part of relevant EU policies, and will investigate food losses at the production stage.
- It will also continue to promote action by all actors in the food value chain, notably by encouraging implementation of the recommendations for action of the EU Platform on FLW.

In this context, Food Banks will continue to play a crucial role, contributing to the strong cooperation between public and private actors, which is at the heart of food systems transformation.

Recent initiatives on food hygiene in view of donations

- **Guidance on simpler but safe hygiene rules for small retailers, also when donating food.** In June 2020, the Commission has published guidance on food safety management systems for food retail activities, including food donations, aiming to support food business operators, such as butchers, bakeries, groceries and ice-cream shops, including Food Banks and other charities, in their implementation of EU rules to ensure the safe production of food sold to the consumer.

Building on the EU food donation guidelines, the guidance further facilitates food donation by making recommendations on some simple additional good hygiene practices that contribute to ensuring the safe redistribution of surplus food.

- ⇒ **Commission notice (C/2020/199).** The Commission Notice was based on two opinions of the European Food Safety Authority (EFSA) making recommendations on hazard analysis approaches for retail establishments.

- **Draft Regulation amending the Annexes to Regulation (EC) No 853/2004** of the European Parliament and of the Council on the **hygiene of foodstuffs** as regards food allergen management, redistribution of food and food safety culture.



☰ **Publication** on 3 March 2021 ([Regulation \(UE\) 2021/382](#) of the Commission).

❓ **Purpose:** Redistribution of food surplus for human consumption, in particular through food donation, where safe to do so, ensures the highest value use of edible food resources, while preventing food waste.

A new chapter on food redistribution that addresses how the “use by” and “best before” dates shall be applied in the context of food redistribution while not jeopardising food safety and which aspects shall be taken into account when assessing food safety.

➔ **Draft Delegated Regulation amending Annex III to [Regulation \(EC\) No 853/2004](#)** of the European Parliament and of the Council on **specific hygiene requirements for food of animal origin (freezing at retail)**

☰ **Publication** on 20 August 2021 ([Delegated Regulation \(UE\) 2021/1374 of the Commission](#)).

❓ **Purpose:** Increasing/facilitating the means of ensuring the safe redistribution redistribution of meat by Food Banks and other charities by allowing freezing at retail level under certain conditions.

Based on the 2018 second EFSA scientific opinion on hazard analysis approaches for certain small retail establishments and food donations. The opinion highlights that food donation presents several new food safety

challenges at retail level and therefore recommends several additional general hygiene requirements, including freezing of meat for redistribution.

Allowing freezing of the meat at retail for the purpose of food donation.

Freezing meat comes with hygiene concerns, hence rules regarding food safety will have to be duly respected, among them: not freezing meat that has been frozen already (this requires traceability of the food), freezing only before the “use by” date, etc.

Scale up action and mobilise key players across the EU

The Commission will seek to scale-up action across the EU, mobilising Member States, food businesses and civil society notably through the work of the EU Platform on Food Losses and Food Waste and encouraging implementation of its recommendations for action by all players.

Calls for proposals under Horizon Europe will offer opportunities for research and innovation support to address agri-food chain challenges including food loss and waste.

Open discussion and Q&A session

The skill-sharing session ended with a Q&A session where participants had the chance to discuss with the expert from the European Commission, FEBA Team and the other participants on some topics of interest.

➔ Questions and discussion on meat freezing



In order to ensure that frozen food will be used by a NGO, I usually call to know if they have room so it is not wasted. This shows that participants of the chain must be aware of the fact that different actors may not have sufficient facilities to stock the frozen products which the Food Bank is ready to offer.

Irene Schembri, Chairperson & President, Malta Food Bank Foundation



In North Macedonia, Food Banks are dealing with surplus food for the first time. Local charities do not have the capacity to manage frozen food because there are no facilities. Municipalities could find facilities though, even the smaller ones.

Dushko Hristov, President, Banka Za Hrana Makedonija



With reference to the Regulation before mentioned, is it applicable to dairy products or fish?

Balázs Cseh, President, Magyar Élelmiszerbank Egyesület

➔ Answer from the European Commission:

As there is no special regulation on this type of products, it is possible to freeze them any time before the “use by” date, even after the best before date, “as long as the FBO (Food Business Operators) check that the food is not injurious to health and is fit for human consumption” (Regulation (EC) No 852/2004 and Commission Regulation (EU) No 2021/382).



➔ Questions and discussion on new laws and fiscal policies



France and Spain are a good example as regards tax deduction. Belgium wants to make a copy of the French legislation to stimulate the donation and go further than the VAT rules. It is necessary to incentivise companies with attractive fiscal deductions.

Etienne Rubens, Coordinator & Procurement, Fédération Belge des Banques Alimentaires / Belgische Federatie van Voedselbanken



There is an incentive system indexed on the value of given food that is deducted from the corporate tax. However, the deduction is extremely low. In Hungary, the law exists but it is rendered almost inoperant because of the amount possible to deduct. The incentive is almost null, and the companies giving food do not do it because of this fiscal policy.

Balázs Cseh, President, Magyar Élelmiszerbank Egyesület

Participants agreed to continue the discussion within the FEBA network, also with the support and views of external experts to deepen the knowledge on these topics and better understand the different tax and fiscal incentives in place in the different countries.



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