



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

The Director-General

Brussels
MARE.C.3/NG

Subject: Proposal on EU-Level Targets for Food Waste Reduction & Good Practices in the Fisheries and Aquaculture Market.

Dear Mr. Pastoor,

Thank you for your email of 18 March 2024 on behalf of the Market Advisory Council concerning the proposal on EU-Level Targets for Food Waste Reduction & Good Practices in the Fisheries and Aquaculture Market.

In your letter, you comment and propose recommendations on the legislative proposal adopted by the Commission on 5 July 2023 amending Directive 2008/98/EC on Waste ⁽¹⁾, proposing to set legally binding food waste reduction targets to be achieved by Member States by 2030, as part of the revision of the Waste Framework Directive.

DG MARE welcomes your feedback and recommendations, which we have shared with our colleagues at DG SANTE.

I would like to highlight that at this stage the legislative process is ongoing, and the Commission proposal is currently subject to interinstitutional negotiations. In this instance, it is for the co-legislators to integrate any revisions/suggestions in the Commission's legislative proposal.

With regard to the more general recommendations made by the MAC on the waste reduction legislative proposals, the Commission services would like to offer the following comments:

- 1) On the idea of developing guides or guidelines for Member States to use as basis for their lines of action, while ensuring a fair and uniform approach across the EU:

⁽¹⁾ https://food.ec.europa.eu/safety/food-waste/eu-actions-against-food-waste/food-waste-reduction-targets_en

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I would like to draw the attention of MAC to the work and ongoing discussions in the context of the EU Platform on Food Losses and Food Waste ⁽²⁾, where Member States and stakeholders amongst others share best practices on food loss and food waste prevention. The Commission has already adopted, as part of the Circular Economy Action Plan, EU food donation guidelines ⁽³⁾ to facilitate the recovery and distribution of safe, edible food to those in need. The latter guidelines seek, amongst others, to promote a common interpretation by regulatory authorities in the EU Member States of EU rules applying to the redistribution of surplus food.

The Commission will also consider the adoption of further guidelines, should that be deemed necessary.

- 2) On the introduction of targets for food waste reduction at national level, [the Commission should] ensure that these targets are in line with Target 12.3 of the Sustainable Development Goals (SDG ⁴) and other international agreements, maintaining a level-playing field with other countries and fair competition for EU businesses:

Despite political commitments made by Member States to the voluntary SDG Target, actual progress since 2015 to date shows that achieving a 50% reduction target by 2030 for retail and consumption would be extremely challenging.

Therefore, the Commission has tabled in its legislative proposal on legally binding food waste reduction targets a step-wise approach, with a mid-term review in 2027, in view of ensuring a consistent response by all Member States and tangible progress towards the SDG Target, whilst maintaining a level playing field within the EU.

- 3) On the idea of reassessing the feasibility and proportionality of a joint target for HoReCa and households, especially accounting for the differences in food waste generation demonstrated by Eurostat as well as the difficulties in implementation, measurement, and enforcement:

In its legislative proposal, the Commission has proposed a joint target for retail and consumption (including both households and food services) as this reflects the link between distribution and consumption (i.e. influence of retail practices on consumer behaviour, relation between food consumption in- and out-of-home). It also allows Member States flexibility to focus national policies where most relevant, and it is more robust from a monitoring point of view and less susceptible to market disruptions (e.g. during the Covid-19 pandemic, in-home consumption strongly increased while out-of-home consumption decreased). Furthermore, setting a joint target is also in line with the SDG Target 12.3 for retail and consumption.

- 4) On reassessing the relevance of 2020 as the baseline year, especially accounting for the outbreak of the COVID-19 pandemic, prior progress achieved by operators, among the other factors described in subsection 3.3:

⁽²⁾ [EU Platform on Food Losses and Food Waste - European Commission \(europa.eu\)](#)

⁽³⁾ [EU guidelines on food donation | European Circular Economy Stakeholder Platform \(europa.eu\)](#)

⁽⁴⁾ “By 2030, halve per capita global food waste at the retail and consumer levels and reduce food losses along production and supply chains, including post-harvest losses”

In its legislative proposal, the Commission has proposed 2020 as the reference year (baseline year) in the absence of further data on food waste monitoring. Member States may also use earlier baseline year if they can provide relevant data. This proposal is now subject to inter-institutional negotiations.

- 5) On proceeding with the inclusion of a revision clause, while aiming to meet the targets set, ensuring that a prior assessment takes place if extensions to other stages of the supply chain are to be proposed, and reporting on the progress achieved since 2015 and the added value of the actions taken:

The review of targets foreseen in the Commission proposal will include, amongst others, a prior assessment of the progress made in Member States.

- 6) On proceeding with the inclusion of the new two obligations on the review of food waste prevention programmes and the designation of competent authorities, while adding provisions that ensure the involvement of local and regional stakeholders, the private sector and civil society, with the aim of developing tailor-made national food waste prevention programmes:

According to the existing legal framework (see Article 31 of the Waste Framework Directive), Member States are obliged to ensure that relevant stakeholders and authorities as well as the general public have the opportunity to participate in the elaboration of the food waste prevention programmes, and have access to them, once elaborated. Consequently, when introducing new measures, Member States should involve multiple partners from the public and private sectors, with coordinated actions tailored to address specific hotspots as well as attitudes and behaviours that lead to food waste etc.

- 7) On supporting initiatives for the assessment of food waste, losses, reduction, and better value by private companies:

Setting legally binding food waste reduction targets in the EU waste legislation, requires Member States to take action and use the most effective and efficient policy instruments at their disposal that are tailor made to the specific situation in their respective territories. In that context, Member States may indeed opt – where it is appropriate – to oblige food business operators to conduct diagnosis to combat food waste at business level.

As far as the Commission is concerned and taking into account the relevant competences at hand, it offers support to stakeholders in the form of grants, run by the European Health and Digital Executive Agency (HaDEA) ⁽⁵⁾. The Commission also supports business stakeholders by facilitating exchanges of best practices in the form of EU Platform on Food Losses and Food Waste and the EU Food Loss and Food Waste Prevention Hub ⁽⁶⁾.

- 8) On establishing clear and harmonised definitions of "food waste" and "food loss", as previously suggested in the advice of 30 March 2022, and clarify the stage [at which] fishery and aquaculture products enter the food supply chain and [thus] become food:

Food waste is already defined in the Waste Framework Directive as all food as defined in Article 2 of the General Food Law (GFL) Regulation [Regulation (EC) No 178/2002] that

⁽⁵⁾ [European Health and Digital Executive Agency - European Commission \(europa.eu\)](https://ec.europa.eu/health/european-health-and-digital-executive-agency)

⁽⁶⁾ [European Food Loss and Waste Prevention Hub - Home \(europa.eu\)](https://ec.europa.eu/food/food-loss-and-waste-prevention-hub)

has become waste”. The definition of “food” in the GFL includes fishery and agricultural products. Furthermore, according to the harmonised measurement obligation, already in place, Member States must annually report on food waste in five sectors, including primary production (which activities are classified for statistical purposes in NACE ⁽⁷⁾ section A (Agriculture, forestry and fishing)).

Food loss is not defined, nor covered by the scope of the Waste Framework Directive. However, the Commission will continue to investigate food losses and to explore ways of preventing them taking into account work carried out under relevant EU research projects and contributions of the EU Platform on Food Losses and Food Waste. For example, the Project FOLOU ⁽⁸⁾ aims to deliver a robust methodology for quantifying food losses at the primary production stage (agriculture, aquaculture and fisheries), focussing on losses occurring from the point that products are ready-to-harvest until they are harvested.

Should you have any further questions on this reply, please contact Ms Julia Rubeck, coordinator of the Advisory Councils (Julia.RUBECK@ec.europa.eu; +32.2.296.88.89), or Niall Gerlitz (niall.gerlitz@ec.europa.eu; +32.2.298.5764).

I am looking forward to our continued fruitful cooperation.

Yours sincerely,

Charlina VITCHEVA

c.c.: Pedro Reis Santos (secretary@marketac.eu); Rikke Karlsson (SANTE/E1)

(7) Nomenclature of Economic Activities [Statistical classification of economic activities – NACE Revision 2.1 | EUR-Lex \(europa.eu\)](#)

(8) [FOLOU](#)