

## Advice

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

Brussels, 18 March 2024

### 1. Background

As previously announced under the Farm to Fork Strategy<sup>1</sup> and in line with Target 12.3 of the United Nations' Sustainable Development Goals<sup>2</sup>, on 5 July 2023, the European Commission published a legislative proposal amending Directive 2008/98/EC on Waste<sup>3</sup>, proposing to set legally binding food waste reduction targets to be achieved by Member States by 2030.

Under the legislative proposal, Member States would have to reduce food waste by the end of 2030 by 10% in processing and manufacturing and by 30% (per capita) jointly at retail and consumption (restaurants, food services and households). The results of the first EU-wide monitoring of food waste levels carried out in 2020<sup>4</sup> would serve as the baseline to assess progress towards the targets. By the end of 2027, a formal review of the progress made by Member States would take place, including the possibility to adapt targets if evidence suggests that the EU can contribute even more towards the global ambition.

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<sup>1</sup> [Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system](#)

<sup>2</sup> "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".

<sup>3</sup> [https://food.ec.europa.eu/safety/food-waste/eu-actions-against-food-waste/food-waste-reduction-targets\\_en](https://food.ec.europa.eu/safety/food-waste/eu-actions-against-food-waste/food-waste-reduction-targets_en)

<sup>4</sup> Eurostat data (2022) - [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=File:Food\\_waste\\_Final.png](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=File:Food_waste_Final.png)

On 30 March 2022, the Market Advisory Council (MAC) adopted advice to the European Commission on the EU-level targets for food waste reduction<sup>5</sup>. Under that advice, the MAC's membership generally expressed preference for a target covering the whole value supply chain, from farm gate to final consumer. The MAC recommended that the target would be expressed as a percentage of food waste reduction and that the target level should either be differentiated by Member State or a collective target on EU-level based on contributions from the Member States. Additionally, the MAC's membership generally supported a target of 40-50% to reduce food waste in the EU.

## **2. General provisions on prevention of food waste generation (Article 9a)**

The legislative proposal foresees a new Article 9a ("prevention of food waste generation") in the Waste Framework Directive, introducing additional general provisions. In addition to the previously foreseen ones, the appropriate measures that Member States could take to prevent generation of food waste would explicitly include:

- Developing and supporting behavioural change interventions to reduce food waste;
- Identifying and addressing inefficiencies in the functioning of the food supply chain;
- Ensuring a fair distribution of costs and benefits of prevention measures;
- Supporting training and skills development as well as facilitating access to funding opportunities.

The MAC welcomes the introduction of the additional generation provisions, which are necessary and adequate to reduce food waste in the supply chain. The importance of developing and supporting behavioural changes to reduce food waste must be highlighted. Being able to assess and address inefficiencies in the functioning of the food supply chain will be beneficial for the

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<sup>5</sup> <https://marketac.eu/eu-level-targets-for-food-waste-reduction/>

supply chain, the consumer, and the environment. The MAC would like to put forward some redrafting suggestions to further improve the points of Article 9a:

- In point a), to ensure clarity, the target of the behavioural changes should be explicitly mentioned, especially if it is mainly towards consumers;
- Point b) should be redrafted to: “Identifying and addressing **the** inefficiencies in the functioning of the food supply chain **and propose recommendations to remedy them**, and support cooperation amongst all actors, while ensuring a fair distribution of costs and **improving the knowledge about the economic impacts and** benefits of prevention measures”;
- In point c), incentives, such as VAT exemptions, should be introduced to facilitate food donations – such incentives could effectively facilitate food donations and substantially reduce food waste.

Overall, these measures should be viewed as indicative suggestions rather an exhaustive list. Therefore, the language used should be revised to “these measures shall include, **among others**, the following”. Before implementing any measures, Member States should assess existing frameworks, identify gaps and engage all relevant stakeholders from the public and private sectors in developing their national food waste prevention programmes. This cooperation would ensure that the principle of proportionality is upheld and applied and that none of the sectors is treated in a disproportionate manner. Member States should also assess existing and potential legislation to prevent unintended consequences, ex. increased food waste levels.

According to the paragraph that follows the list of measures, Member States shall ensure that all relevant actors in the supply chain are involved proportionately to their capacity and role in preventing the generation of food waste along the food supply chain. The term “proportionately” is crucial to clarify that involvement should be based on contributions to food waste (based on

Eurostat’s data), rather than vague terms like “capacity” and “role. Any food waste prevention programme should foster a collaborative environment and shared responsibility, rather than lifting disproportionate burdens on specific stakeholders based on their capacity.

It is important to keep in mind the need to develop guides or guidelines for Member States to use as basis for their lines of action. The provision of guidance by the European Commission can ensure a fair and uniform approach across the board.

Finally, it must be also kept in mind that fishery and aquaculture products can be challenging to preserve and handle, resulting in wastage throughout the supply chain. To drive change and minimise food waste, it is imperative to invest in training, skills development, and technology such as improved and more selective fishing gear.

### **3. Targets for food waste reduction (Article 9a)**

The legislative proposal also foresees amendments in the new Article 9a(4) (“prevention of food waste generation”) of the Waste Framework to introduce targets for food waste reduction at national level:

- Reduce the generation of food waste in processing and manufacturing by 10% in comparison to the amount generated in 2020;
- Reduce the generation of food waste per capita, jointly in retail and other distribution of food, in restaurants and food services and in households, by 30% in comparison of the amount generated in 2020.

In the view of the MAC, food waste targets should be in line with Target 12.3 of the United Nations’ Sustainable Developments Goals, in order to maintain a level-playing-field with other countries and limit the burden on business. The proposed directive should be in line with international agreements to secure fair competition for EU businesses. The targets should be

implemented progressively and in a realistic manner, aiming for optimisation of the processes and a maximum reduction of food waste generation.

The targets require a prior categorisation of the waste to determine which products can meet these. Therefore, paragraph b) of point 4 of Article 9a should be redrafted to read: “reduce the generation of food waste per capita, jointly in retail and other distribution of food, in restaurants and food services and in households, by 30% in comparison to the amount generated in 2020, **as long as the waste threshold generated from that product allows it**”.

### **3.1. Sections of the supply chain covered by the targets**

In the view of EuroCommerce, ADEPALE, Oceana, and the Good Fish Foundation, targets should be proposed for primary production as well. As shown in the results published by Eurostat<sup>6</sup>, food waste occurs all along the food supply chain, including primary production, which accounts for 11% of food waste generation. Target 12.3 of the United Nations’ Sustainable Developments Goals itself states that food losses along production, including post-harvest losses, should be reduced. This point is echoed by the European Parliament, which suggested that “binding targets at every stage of the supply chain, including primary production, pre-retail and retail are needed”<sup>7</sup>. Additionally, the European Parliament's ENVI Committee, under their report on the proposal for a directive, called for an assessment by the Commission on the appropriate levels for the setting of targets for the reduction of all primary production food waste<sup>8</sup>. Nevertheless,

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<sup>6</sup> [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Food\\_waste\\_and\\_food\\_waste\\_prevention\\_-\\_estimates](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Food_waste_and_food_waste_prevention_-_estimates)

<sup>7</sup> European Parliament resolution of 20 October 2021 on a farm to fork strategy for a fair, healthy and environmentally-friendly food system, [https://www.europarl.europa.eu/doceo/document/A-9-2021-0271\\_EN.html](https://www.europarl.europa.eu/doceo/document/A-9-2021-0271_EN.html)

<sup>8</sup> Amendment 46 of the report reads: “By 31 December 2025, the Commission shall conduct an assessment on the appropriate levels for the setting of targets for the reduction of all primary production food waste, including mature food left unharvested or used on farms. To that end, the Commission shall submit a report to the European Parliament and to the Council, accompanied, if appropriate, by a legislative proposal.”

as pointed out in previous advice<sup>9</sup>, the lack of definition of “food losses” may make the establishment of this target quite complex.

In their view, legally binding targets at that stage could be important for the promotion of sustainable primary production, reduction of environmental impact, improvement of resource efficiency and contribution to global efforts to address food waste, food security and climate change. Moreover, establishing legally binding targets across all sectors could create a sense of collective responsibility to contribute to the reduction of food waste and this could result in mutual benefits and enhance collaborations and food chain wide actions.

EMPA, FEAP, and EAPO consider that the primary production of live animals does not handle what is officially considered food. For such reason, no food waste reduction targets can be set for it, and sectorial efforts in this domain should aim to include its possible by-products into the circular economy. Commission Delegated Decision (EU) 2019/1597 of 3 May 2019 supplementing Directive 2008/98/EC of the European Parliament and of the Council as regards a common methodology and minimum quality requirements for the uniform measurement of levels of food waste, states that food waste does not include losses at stages of the food supply chain where certain products have not yet become food as defined in Article 2 of Regulation (EC) No 178/2002. This means that neither live animals, just like edible plants that have not yet been harvested, nor the by-products from the production of food that fulfil the criteria set out in Article 5(1) of Directive 2008/98/EC, are considered food.

### **3.2. Joint target for HoReCa and households**

According to Eurostat, consumers generated the most food waste in both 2020 and 2021, while the retail and wholesale sector generated the least amount of food waste, specifically only 7%. A

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<sup>9</sup> See section 4 of the advice on “EU-Level Targets for Food Waste Reduction”, which was adopted on 30 March 20202: <https://marketac.eu/eu-level-targets-for-food-waste-reduction/>.

joint target could be difficult to implement, measure and enforce as factors influencing food waste generation at each level and methodologies for measurement<sup>10</sup> vary significantly across different segments of the food supply chain.

The MAC is concerned about the reporting as well as the possibility of a disproportionate burden falling on the shoulders of specific actors to reach that target. Therefore, there should be separate and proportional targets to ensure a fair distribution of the burden of responsibility and a fair breakdown of the progress achieved at each stage.

The Commission justifies the joint target by arguing that several practices of the sector significantly influence consumer behaviour. The retail and wholesale sector acknowledges its responsibility and has been actively taking measures within its control to combat food waste. Nevertheless, exerting complete influence over household behaviour is beyond the sector's control. For example, approximately 10% of the food waste in the EU is linked to date marking and consumer misunderstandings regarding date labelling interpretation. The retailers and wholesalers have responded to this challenge faced by consumers by removing the date from some products, by conducting campaigns to inform consumers about the date marking, etc. The Commission's proposal on improving date marking is still pending, so retailers and wholesalers do not have the absolute power to resolve and exert influence in all factors that could possibly affect waste generated at household level.

### **3.3. 2020 as baseline year**

In the view of the MAC, 2020 might not be an appropriate or representative year for a baseline:

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<sup>10</sup> Commission Delegated Decision (EU) 2019/1597 of 3 May 2019 supplementing Directive 2008/98/EC of the European Parliament and of the Council as regards a common methodology and minimum quality requirements for the uniform measurement of levels of food waste

- The outbreak of the COVID-19 pandemic took place in 2020. The pandemic caused major disruption to everyday life. The consequences of the pandemic and subsequent lockdowns on food waste levels have not been analysed. In the context, setting EU targets on the basis of 2020 would not reflect the reality in the field.
- Earlier baselines have been proposed in both the European Parliament’s report on the Farm to Fork Strategy and Target 12.3 of the Sustainable Development Goals.
- Operators, particularly retailers and wholesalers, have been taking actions to implement food waste reduction for over a decade. If the baseline is confined to 2020, the actions, efforts and investments made by the various sectors will not be taken into account. Additionally, for operators that have been using earlier baselines, less progress is to be expected, since some of them are on their way of reaching maximum potential in preventing food waste.
- While the flexibility granted to Member States under Article 9a(5) is welcomed, it is granted only to Member States and not to individual business operators. Eurostat data reveals that, with the exception of France, Germany, and the Netherlands, no other Member State has valid data to report before 2020. This would undermine the efforts of actors along the food value chain that have taken steps towards food waste reduction while basing themselves on earlier years. As a solution, the same flexibility should be extended to individual business operators, contingent upon meeting specific conditions.

#### **4. Revision Clause (Article 9a)**

The legislative proposal foresees that, under point 7 of the new Article 9a (“prevention of food waste generation of the Waste Framework, by 31 December 2027, the Commission shall review the targets to be reached by 2030 with a view, if appropriate, to modify and/or extend them to other stages of the supply chain, and to consider setting new targets beyond 2030. To that end,

the Commission shall submit a report to the European Parliament and to the Council, accompanied, if appropriate, by a legislative proposal.

The MAC welcomes the inclusion of a revision clause. The aim should be to meet the targets set. If the targets are to be adjusted/revised, it should be based on the social and commercial reality. If an extension to other stages of the supply chain is to be proposed, there should be a prior assessment. The report should also include information on the progress achieved since 2015 and the added value of the actions taken, such as the EU Food Loss Waste Prevention Hub.

**5. Review of food waste prevention programmes and designation of the competent authorities responsible for the coordination of the food waste reduction measures (Article 29)**

The legislative proposal foresees amending Article 29 (“food waste prevention programmes”) of the Waste Framework to introduce:

- An obligation, within two years after entry into force of the amending directive, for the Member States to review and adapt their food waste prevention programmes;
- An obligation for each Member State to designate the competent authorities responsible for the coordination of the food waste reduction measures.

The MAC welcomes the introduction of these obligations, as the implementation and oversight should be done by competent authorities to facilitate compliance. A level-playing-field should be maintained across the Member States in the implementation of the directive.

In these new provisions, it should be added that Member States shall ensure the involvement of local and regional stakeholders, including governments, the private sector and civil society, with the aim of developing tailor-made national food waste prevention programmes. These prevention programmes should focus on addressing localised food waste hotspots together with

specific attitudes that contribute to food waste. Sufficient importance should be placed on cultivating a robust understanding of the factors driving food waste, particularly at household level. Overall, neither Member States nor specific stakeholders should bear undue administrative and/or financial burdens by the requirements laid down in this Article and levels of flexibility should be encouraged and permitted.

## **6. Recommendations**

In the context of the legislative proposal on EU-level targets for food waste reduction, the MAC believes that the European Commission and the Member States, in the interinstitutional negotiations, should:

- a) Proceed with the additions to the general provisions on prevention of food waste generation, while integrating the amendments and suggestions described in section 2 of the prevent advice;
- b) Develop 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;
- c) Concerning the introduction of targets for food waste reduction at national level, ensure that these targets are in line with Target 12.3 of the Sustainable Development Goals and other international agreements, maintaining a level-playing field with other countries and fair competition for EU businesses;
- d) Reassess the feasibility and proportionality of a joint target for HoReCa and households, especially accounting the differences in food waste generation demonstrated by Eurostat as well as the difficulties in implementation, measurement, and enforcement;
- e) Reassess 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.;

- f) Proceed 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;
- g) Proceed 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;
- h) Support initiatives for the assessment of food waste, losses, reduction, and better value by private companies, in line with the new French obligation of a diagnosis by private companies on the matter;
- i) Establish clear and harmonised definitions of "food waste" and "food loss", as previously suggested in the advice of 30 March 2022, and clarify the stage of when fishery and aquaculture products enter the food supply chain and become food.

## Annex

### Examples of initiatives in the fisheries and aquaculture value chain

As the European Commission welcomes the sharing of information on solutions implemented by the sector, including via the EU Food Loss Waste Prevention Hub, several examples of initiatives in the fisheries and aquaculture value chain are made available below.

#### 1. ADEPALE

- Guide for the realisation of a diagnostic of food losses and waste: Development of a guide to establish a diagnosis to reduce loss and waste in food industries. The guide is undergoing translation from French to English to further facilitate knowledge sharing. The French version has been shared in the Food Loss Waste Prevention Hub and is available on the website of ADEME, the French agency for ecological transition.

#### 2. ANFACO-CECOPECA

ANFACO-CECOPECA tends towards zero in the production of food waste, since a high percentage of the reject material, potentially even 100%, is managed as category 3 SANDACH for the subsequent manufacture of fishmeal and other similar products.

For 2024, ANFACO-CECOPECA set the goal of raising even more awareness among their associates, including through the provision of specific information about the Commission's legislative proposal, so that they can quantify and review their waste levels.

ANFACO-CECOPECA also expects that an ongoing Spanish legislative initiative on the prevention of food losses and waste will facilitate donations of ready-to-eat fishing products that have been removed for commercial or other reasons that do not compromise safety.

### 3. EuroCommerce

- Sustainable Commerce<sup>11</sup>: Website presenting initiatives adopted by retailers and wholesalers to reduce food waste.

### 4. FEDEPESCA

- Monitoring Commission of the “More food, less waste” Strategy of the Spanish Ministry of Agriculture, Fisheries, and Food (MAPA) – Participation in the commission since its establishment in 2013.
- AECOC Strategy “Food has no waste”<sup>12</sup> – Participation, since the beginning, in the initiative of the Spanish association of manufacturers and distributors.
- EU Code of Conduct on Responsible Food Business and Marketing Practices – Signing of the code of conduct to emphasise the commitment towards a more responsible activity.
- Awareness and training activities – In trainings, inclusion of recommendations and advice on how to avoid food waste and how to donate products while guaranteeing respect of health rules, as exemplified in the “Las Pescadería en Verde”<sup>13</sup>. Other examples include technical assistance on the new Food Waste Law, development of a Food Waste Prevention Plan to be implemented by fish retailers, development of an Annex to the HACCP self-control system<sup>14</sup>.
- Project “Fishmongers 4 Sealife”<sup>15</sup> – FEDEPESCA is leading the project, which is co-financed by the EMFF, in collaboration with the Spanish Ministry for the Ecological Transition and the Demographic Challenge.

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<sup>11</sup> <https://www.eurocommerce.eu/sustainable-commerce/food-waste/>

<sup>12</sup> <https://www.alimentacionsindesperdicio.com/>

<sup>13</sup> <https://pescaverde.org/empleaverde/>

<sup>14</sup> [https://adepesca.com/wp-content/uploads/2023/10/Anexo-IV\\_Plan-de-prevenci%C3%B3n-desperdicio.pdf](https://adepesca.com/wp-content/uploads/2023/10/Anexo-IV_Plan-de-prevenci%C3%B3n-desperdicio.pdf)

<sup>15</sup> <https://pescaverde.org/fishmongers/>