

SAFE POSITION PAPER

EUROPEAN COMMISSION DELEGATED ACT ESTABLISHING A COMMON METHODOLOGY AND MINIMUM REQUIREMENTS FOR THE UNIFORM MEASUREMENT OF LEVELS OF FOOD WASTE

ABOUT SAFE – SAFE FOOD ADVOCACY EUROPE

SAFE's mission is to improve the representation of ordinary citizens in the EU debate concerning the future of EU food regulation.

SAFE – Safe food advocacy Europe is a non-profit independent organisation based in Brussels whose main objective is to ensure consumers' health and concerns remain at the core of the European Union's food legislation.

SAFE members are consumer, food health, vegan and vegetarian associations and individual members such as independent research scientist, doctors and nutritionist spread across Europe. To date our membership collectively represents the voice of over 1.000.000 European consumers.

SAFE'S POSITION ON THE DRAFT DELEGATED ACT ESTABLISHING A COMMON FOOD WASTE MEASUREMENT METHODOLOGY

SAFE – Safe food advocacy Europe welcomes the Commission's efforts to create and adopt a delegated act establishing a common methodology for food waste measurement. However, we believe that the current draft of this delegated act will not allow a full and accurate measurement of the levels food waste by the Member States as requested in paragraph 3 and 4(a) of Article 9 of Directive (EU) 2018/851 amending Directive 2008/98/EC on waste.

Food waste constitutes a real ethical, economic and environmental issue in Europe and worldwide. In the EU, between 88 and 140 million tonnes of food waste are generated each year for a cost estimated at 143 billion euros (FAO, 2011, FUSIONS, 2016). Moreover, food waste generates about 8% of greenhouse emissions while 55 million EU citizens cannot afford a quality meal every other day (European Commission, 2017). In order to try to solve this critical issue, on May 2018, the European Institutions adopted Directive (EU) 2018/851 amending Directive 2008/98/EC on waste.

Directive (EU) 2018/851 is asking the Member States to take measures to reduce their food waste and to measure it annually from 2020 onwards. The directive also requires the Commission, in cooperation with the EU Platform on Food Losses and Food Waste, to adopt, by March 2019, a delegated act establishing a common methodology for the Member States to measure their levels of food waste (Directive (EU) 2018/851). We welcome this directive as it clearly represents a step forward to reducing food waste. Nevertheless, we believe that the current draft of the delegated act on food waste measurement bears two important flaws which will not permit an accurate measurement of food waste and will thus lessen EU efforts in reducing food waste.

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The **two issues SAFE wishes the European Commission would address** in the final version of the delegated act are the following:

1. Currently, the draft delegated act on food waste measurement does not cover harvest food waste. This constitutes a major setback in the EU efforts to reduce food waste as harvest food waste represents between 11% and 36% of Europe's food waste (FAO, 2011, Fussions, 2016). The levels of food waste measured through this methodology will be used both by the Commission to set targets for food waste reduction and by Member States to assess the implementation of their food waste prevention measures (Directive (EU) 2018/851). Therefore, it is crucial for the measurement methodology to allow a full and accurate measurement of the levels of food waste and thus to cover harvest food waste. Otherwise, possibly to over a third of Europe's food waste will be excluded from reporting and thus from any possible action to reduce it.

Moreover, on a legal point of view, harvest food waste should without any doubt be included into the measurement methodology. Article 9, paragraph 4a of Directive (EU) 2018/851 states that the Commission should adopt a delegated act *“establishing a common methodology and minimum quality requirements for the uniform measurement of levels of food waste”*, while Article 3 paragraph 4a defines food waste as *“all food as defined in Article 2 of Regulation (EC) No 178/2002 that has become waste”* (Directive (EU) 2018/851). Thus, as Article 2 of Regulation (EC) No 178/2002 defines food as *“any substance or product, whether processed, partially processed or unprocessed, intended to be, or reasonably expected to be ingested by humans”* and only excludes *“plants prior to harvesting”* (Regulation (EC) No 178/2002), harvest food waste should be included in the food waste measurement methodology. Indeed, harvest food waste are substances intended to be ingested by humans. Moreover, harvest food waste are not plants prior to harvest as they are plants at the harvesting stage or remaining in the fields after harvest. This interpretation of not considering harvest food waste as plants prior to harvesting is also perfectly in line with the Food Loss and Waste Protocol's vision with which the Commission wants to harmonise its reporting (FLW Protocol, 2016), as well as with FUSIONS definition of food waste which counts food waste from *“when crops are mature to harvest”* (FUSIONS, 2016).

Furthermore, measurement will help reduce harvest food waste, which is currently a cost and burden to EU farmers, and often the result of Unfair Trading Practices and cosmetic outgrading by retailers. Retailers should be encouraged to change their policies in order to help their suppliers reduce their food waste. Excluding harvest food waste from measurement may create perverse incentives for buyers to push food waste onto farmers, damaging their livelihoods further.

Therefore, considering the enormous cost for food waste reduction of not including harvest food waste in the EU food waste measurement methodology, and considering that there is no well-founded legal basis to exclude harvest food waste from it, we call on the Commission to include harvest food waste into the EU mandatory food waste measurement methodology.

2. The current draft of the delegated act on food waste measurement does not require Member States to report their food waste separately by destinations. Moreover, it does not clearly set out the application of a waste management hierarchy for food waste.

Food waste streams can be used for very different purposes, from redistribution to charities to compost production. Those different uses of food waste streams do not bear the same social and environmental value. Based on this environmental and social value, a hierarchy of the different uses of food waste appears which prioritises human consumption. We believe, that Member States should be encouraged to move the use of food waste up the food hierarchy to mitigate its social and environmental impact. On a more trivial basis, this means that if Member States are using food waste for anaerobic gas production, if it is edible to animals they should be encouraged to use it for animal feed, and if they use it for animal feed, they should be exhorted to use it for redistribution to charities if it is edible to humans. However, the highest priority should always be prevention. In this context, it is essential for the Member States to report their food waste separately by destination using a proper food hierarchy.

Thus, we call on the Commission to include in the delegated act a mandatory requirement for the Member States to report their food waste by destination using the food hierarchy proposed by the World Resource Institute's Guidance Note on SDG 12.3 and the FLW Protocol (FLW Protocol, 2016, WRI, 2017). Please see below the food waste hierarchy we strongly encourage the Commission to use for its delegated act.

Food waste hierarchy:

- a. Prevention
- b. Redistribution to charities and/or community
- c. Diversion to animal feed
- d. Diversion to biomaterial/processing
- e. Diversion to anaerobic digestion
- f. Diversion to compost production
- g. Diversion to land application or incineration without energy recovery
- h. Not harvested

CONCLUSION

SAFE calls on the European Commission to adopt the following changes to its delegated act on food waste measurement in order to ensure that it allows a full and accurate measurement of the levels of food waste by the Member States as requested in paragraph 3 and 4(a) of Article 9 of Directive (EU) 2018/851 amending Directive 2008/98/EC on waste:

1. Include harvest food waste into the EU mandatory food waste measurement methodology.
2. Incorporate the requirement for Member States to report their food waste separately by destination using the food waste hierarchy recommended by the World Resources Institute

References

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