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FINAL REPORT OF A FACT-FINDING MISSION  
CARRIED OUT IN  
BELGIUM  
FROM 11 SEPTEMBER 2018 TO 19 SEPTEMBER 2018  
IN ORDER TO  
GATHER INFORMATION ON MEMBER STATES' APPROACH TO REDUCE FOOD  
WASTE

*In response to information provided by the competent authority, any factual error noted in the draft report has been corrected; any clarification appears in the form of a footnote.*

## ***Executive Summary***

*This report describes the outcome of a fact-finding mission of the Directorate-General for Health and Food Safety in Belgium carried out from 11 to 19 September 2018, as part of its planned work programme.*

*The objective of the mission was to gather information about the monitoring by the competent authorities of the implementation of European Union rules and practices authorised by the competent authorities in relation to redistribution of food of animal origin and the measurement of food waste. In addition, the mission gathered information about the industry practices and methods for determining the durability of food and how the competent authorities challenge them. Finally, the mission collected the views of the food business operators about the factors contributing to food waste.*

*The report concludes that all the three regions of Belgium have set concrete targets for reducing the food waste and food losses by 30% by the year 2025. Many projects and initiatives are currently ongoing or in the pipeline towards achieving the set targets.*

*Many food banks and charities are involved in the redistribution of food to people in need, whose number is increasing every year. However, shortage of storing and cold store capacities and transport logistics is preventing them from absorbing the quantities of food that is potentially available for redistribution.*

*The administrations of the Flemish and Walloon regions have already started with the measurements of food waste; Brussels Capital region is in the process to start obtaining data from the retail sector.*

*Based on information gathered, there is, at least for certain commodities, some margin to increase the durability indication.*

*The FBOs and representatives from organisations met shared their views about difficulties they face in relation to food losses and food waste.*

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## ABBREVIATIONS AND DEFINITIONS USED IN THIS REPORT

Abbreviation	Explanation
BBD	Best before date
BE	Brussels Environment – <i>Bruxelles Environnement</i>
CA	Competent Authority
CCA	Central Competent Authority
CCIEP	Coordination Committee for International Environmental Policy
EU	European Union
FAO	Food and Agriculture Organisation of the United Nations
FASFC	Federal Agency for the Safety of the Food Chain – <i>Federaal Agentschap voor de veiligheid van de voedselketen / Agence fédérale pour la sécurité de la chaîne alimentaire</i>
FBO	Food Business Operator
FdSS	Federation of the Social Services – <i>Fédération des Services Sociaux</i>
HORECA sector	Hotels, restaurants and catering sector
ICEDD	Institute for Consultancy and Studies on Sustainable Development – <i>Institut de Conseil et d'Etudes en Développement Durable</i>
LoW	List of waste
LV	Policy area 'Agriculture and Fisheries' – <i>Landbouw en Visserij</i>
MS	Member State
NIU	National Investigation Unit
OMG	Policy area 'Environment' – <i>Omgeving</i>
OVAM	Public Waste Agency – <i>Openbare Vlaamse Afvalstoffenmaatschappij</i>
SDG	Sustainable Development Goals of the United Nations
SPF SPSCAE	Federal Public Service for Public Health, Safety of the Food Chain and Environment – <i>Federale Overheidsdienst Volksgezondheid, Veiligheid van de Voedselketen en Leefmilieu / Service Public Fédéral Santé Publique, Sécurité de la Chaîne Alimentaire et Environnement</i>
SPW-DGO3-DSD	Department of Soil and Waste of the Directorate General for Agriculture, Natural Resources and Environment of the Public Service of the Walloon region – <i>Service Public de Wallonie - Direction générale opérationnelle de l'Agriculture, des Ressources naturelles et de l'Environnement - Département du Sol et des Déchets</i>
UHT milk	Ultra-high temperature treated milk
VAT	Value added tax
VBT	Federation of Belgian Horticultural Cooperatives - <i>Verbond van Belgische Tuinbouwcoöperaties</i>
WVG	Policy area 'Welfare, Public Health and Family' – <i>Welzijn, Volksgezondheid en Gezin</i>

## 1 INTRODUCTION

This fact-finding mission took place in Belgium from 11 to 19 September 2018. The mission formed part of the Directorate-General for Health and Food Safety (DG Health and Food Safety) planned work programme and is part of a short series of fact-finding missions which was carried out in two Member States (MS) in 2018. The mission team comprised two auditors from DG Health and Food Safety.

An opening meeting was held on 11 September 2018 at the Permanent Representation of Belgium to the European Union (EU) in Brussels with representatives from the Federal Agency for the Safety of the Food Chain (FASFC – *Federaal Agentschap voor de veiligheid van de voedselketen / Agence fédérale pour la sécurité de la chaîne alimentaire*), the Federal Public Service for Public Health, Safety of the Food Chain and Environment (SPF SPSCAE – *Federale Overheidsdienst Volksgezondheid, Veiligheid van de Voedselketen en Leefmilieu / Service Public Fédéral Santé Publique, Sécurité de la Chaîne Alimentaire et Environnement*), representatives from the regional administrations and representatives from sectoral federations and a consulting institute.

The following services from the regional administrations were present:

1. From the Flemish region:
  - the Public Waste Agency (OVAM – *Openbare Vlaamse Afvalstoffenmaatschappij*);
  - the Department of Environment (*Departement Omgeving*)
  - the Department of Agriculture and Fisheries (*Departement Landbouw & Visserij*)
2. from the Walloon region: the Department of Soil and Waste of the Directorate-General for Agriculture, Natural Resources and Environment of the Public Service of the Walloon region (SPW-DGO3-DSD – *Service Public de Wallonie - Direction générale opérationnelle de l'Agriculture, des Ressources naturelles et de l'Environnement - Département du Sol et des Déchets*) (hereinafter 'the Department of Soil and Waste') and;
3. from Brussels Capital region: Brussels Environment (BE – *Bruxelles Environnement*) (hereinafter 'Brussels Environment')

The sectoral federations which participated at the opening meeting were Fevia, representing the food industry and COMEOS, representing the large retailers of Belgium.

The Institute for Consultancy and Studies on Sustainable Development (*Institut de Conseil et d'Etudes en Développement Durable – ICEDD*) working for the Walloon region was also represented at the opening meeting.

At this meeting, the objective of, and itinerary for the mission were confirmed by the mission team and the federal and regional services presented their work in relation to food waste and food donations. A representative from every regional administration visited during the mission accompanied the mission team throughout the visits in that region.

## 2 OBJECTIVES

The EU and the MS are committed to meeting the Sustainable Development Goals (SDG) of the United Nations, adopted in September 2015, including a target to halve per capita food waste at retail and consumer level by 2030, and reduce food losses along the food production and supply chains. In several MS there are already a number of initiatives in place aiming at reducing food waste.

While there are estimates about the amounts of food waste, there is no accurate data arising from a systematic data collection, which would allow for reliable measuring of the progress made by each MS towards the 2030 targets on one hand, and results comparable between the MS on the other. Several governmental services are often involved in food waste and waste in general (e.g. environmental service, agricultural service, food hygiene service), depending on the stage of the food chain the food wastage occurs. This fact could prove to be a limiting or hindering factor for the efforts to measure and reduce food waste.

The objectives of this fact-finding mission were to gather information on the following:

- The monitoring by the competent authorities of the implementation of EU rules and national measures or derogations granted by the competent authorities in relation to redistribution of food of animal origin (including food from catering, mislabelled pre-packed food, eggs past the 21-days "Sell by" date and, where allowed<sup>1</sup>, freezing of food of animal origin at retail level).
- The way the competent authorities regulate the activities of '*facilitator organisations*'<sup>2</sup>, in particular, where these activities include preparation, handling, storage and distribution of food.
- The measures put in place to prevent fraudulent practices in relation to redistribution of food.

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<sup>1</sup> As explained in section 5.4 of the EU Guidelines on food donation, Regulation (EC) No 853/2004 prescribes that for hygienic reasons, food of animal origin intended for freezing must be frozen without undue delay after production. This requirement does not apply to retailers supplying other food business operators such as food banks provided that such retailers' activity stays marginal, localised and restricted in accordance with its Article 1(5)(b)(ii). Member States granting the possibility of freezing food of animal origin for redistribution purposes should adopt National measures accordingly and notify them to the European Commission and the other Member States.

<sup>2</sup> These are intermediary organisations that may also provide services to enable contact between food donors and receivers and the matching of the supply of surplus food with potential demand in order to facilitate food redistribution. Where their activities include the preparation, handling, storage and/or distribution of food – for example the management of a public refrigerator where surplus food is made available by donors for further redistribution – the owner is likely to be considered as a food business operator.

- The industry practices and methods for determining the minimum durability dates<sup>3</sup> and 'Use by'<sup>4</sup> dates and how the competent authorities control and where appropriate, question these industry practices.
- The policies and measures put in place for measuring food waste and the intergovernmental co-ordination and co-operation on food waste prevention.

In pursuit of these objectives, the following sites were visited:

Visits / meetings	Comments	
<b>Competent Authorities (CAs)</b>		
Central level	2	Opening and closing meeting
Regional level	4	Meetings with the regional administrations of the Flemish, Walloon and Brussels Capital regions (as part of meetings with facilitator organisations) and FASFC regional office Brussels
<b>Surplus food redistribution</b>		
Facilitator organisations	2	One in Brussels Capital and one in Walloon region, running also public refrigerators
'Front line' food redistributors	3	Two in Brussels Capital running also public refrigerators and one social grocery in Walloon region,
Retailers	2	One run by the retailer company and one franchise
Egg packers	1	
<b>Food producing establishments</b>		
Food establishments	4	A confectionery, a meat products establishment and two dairy establishments

### 3 LEGAL BASIS

This fact-finding mission was carried out in agreement with the competent authorities.

### 4 BACKGROUND

This was the second of two fact-finding missions to gather information about measures put in place by the CA and initiatives undertaken to reduce food waste.

In the last decade, food waste has become more and more important as people realise the dimensions of the problem and the implications it has on the environment, the natural

<sup>3</sup> 'Date of minimum durability of a food' means the date until which the food retains its specific properties when properly stored (see Article 2(2)(r) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004)

<sup>4</sup> See Article 24 of Regulation (EU) No 1169/2011.

resources of the planet, the economy, raising great concerns about the sustainability of the food supply chain and the food security for future generations in light also of the permanently growing earth population.

In 2011, the Food and Agriculture Organisation of the United Nations (FAO) published a report on global food losses and food waste<sup>5</sup>. According to this report, approximately 30% (about 1.3 billion tonnes) of the food produced for human consumption around the globe is either lost or wasted every year.

FAO defines as food loss and food waste the decrease of food in subsequent stages of the food supply chain intended for human consumption. Food that gets spilled or spoiled before it reaches its final product or retail stage is called food loss. Food that is fit for human consumption, but is not consumed because it is either left to spoil or discarded by retailers or consumers is called food waste.

For the sake of aligning with the terminology used by the regional administrations in Belgium for unambiguous reading of this report, as 'food loss' it should be understood the food (edible biomass) that is not consumed, whereas as 'food waste' it should be understood the residues arising from the production process (inedible biomass) including also the food losses.

In the EU, Directive 2008/98/EC on waste and repealing certain Directives<sup>6</sup> (hereafter: the Waste Framework Directive) introduced in its Article 4 the waste hierarchy. The waste hierarchy includes '*prevention*', '*preparing for re-use*', '*recycling*', '*other recovery*' and '*disposal*' as the options for waste prevention and management, with 'prevention' being the most preferred option and priority and 'disposal' the least preferred. The Waste Framework Directive defines as 'prevention' any measures taken before a substance, material or product has become waste that reduce, amongst others, the quantity of waste including through the re-use of products or the extension of the life span of products. As '*re-use*' the same Directive defines any operation by which products or components that are not waste are used again for the same purpose for which they were conceived.

Following the adoption of the Waste Framework Directive, the Directorate General for Environment of the European Commission published in 2011 the '*Guidelines on the preparation of food waste prevention programmes*'<sup>7</sup>. The aim of these guidelines was to provide the MS with the necessary information that would enable them to develop their national strategies for reducing food waste, as part of a wider reduction of bio-waste. The guidelines identify the need for a change in behaviour of the people and describe measures that could help reduce food waste along the different stages of the food production and distribution chain.

In 2015, the Commission communicated to the European Parliament the EU action plan for the circular economy ("*Closing the loop – An EU action plan for the Circular Economy*"<sup>8</sup>).

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<sup>5</sup> FAO. 2011. Global food losses and food waste – Extent, causes and prevention. Rome, accessible at: <http://www.fao.org/docrep/014/mb060e/mb060e00.pdf>

<sup>6</sup> Accessible at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008L0098&from=EN>

<sup>7</sup> The guidelines are accessible at: [http://ec.europa.eu/environment/waste/prevention/pdf/prevention\\_guidelines.pdf](http://ec.europa.eu/environment/waste/prevention/pdf/prevention_guidelines.pdf)

<sup>8</sup> The action plan is accessible at: <http://eur-lex.europa.eu/resource.html?uri=cellar:8a8ef5e8-99a0-11e5-b3b7->



Food waste is recognised in this action plan as an area of priority and measures are proposed. The measures proposed include:

- the development of a common EU methodology to measure food waste and define relevant indicators;
- taking measures to clarify EU legislation relating to waste, food and feed and facilitate food donation and the use of former foodstuff and by-products from the food chain in feed production without compromising food and feed safety; and
- the examination of ways to improve the use of date marking by actors in the food chain and its understanding by consumers, in particular the 'Best before date' (BBD).

In 2016 the FUSIONS, an EU supported project, published its report entitled "Estimates of European food waste levels"<sup>9</sup>. FUSIONS estimates that in 2012, based on the analysis of the available data, approximately 88 million tonnes of food waste was generated in the 28 MS. According to the analysis in the report, the biggest contributors to this amount are households, which contributed more than 50% of the total estimated amount. This figure validates the recommendation of the guidelines on the preparation of food waste prevention programmes, which sees the need for a change in behaviour of the people. In addition to the report, FUSIONS project published a document entitled "*Food waste quantification manual to monitor food waste amounts and progression*"<sup>10</sup>. The manual aims at supporting MS in developing coherent methods for obtaining national data on food waste, which is in line with the first of the three proposed actions in the Commission's Circular Economy action plan concerning food waste, namely to develop a common EU methodology to measure food waste and define relevant indicators.

The European Court of Auditors published in 2016 a special audit report entitled "*Combating food waste: an opportunity for EU to improve the resource-efficiency of the food supply chain*"<sup>11</sup>. The audit dealt basically with the question: 'Does the EU contribute to a resource-efficient food supply chain by combating food waste effectively?'

The European Commission adopted in October 2017 the EU guidelines on food donations<sup>12</sup>. The aim of the guidelines is, according to section 1.2, to clarify relevant provisions in EU legislation and help lift barriers to food redistribution within the current EU regulatory framework. More specifically, the 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) and promote common interpretation by regulatory authorities in the EU Member States of EU rules applicable to the redistribution of surplus food. These guidelines use the term "surplus food", for finished food

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<sup>9</sup> The report is accessible at: <http://www.eu-fusions.org/phocadownload/Publications/Estimates%20of%20European%20food%20waste%20levels.pdf>

<sup>10</sup> The manual is accessible at: <http://www.eu-fusions.org/phocadownload/Publications/Food%20waste%20quantification%20manual%20to%20monitor%20food%20waste%20amounts%20and%20progression.pdf>

<sup>11</sup> The audit report is accessible at: [https://ec.europa.eu/food/sites/food/files/safety/docs/fw\\_lib\\_combating-food-waste\\_en.pdf](https://ec.europa.eu/food/sites/food/files/safety/docs/fw_lib_combating-food-waste_en.pdf)

<sup>12</sup> Accessible at: [https://ec.europa.eu/food/sites/food/files/safety/docs/fw\\_eu-actions\\_food-donation\\_eu-guidelines\\_en.pdf](https://ec.europa.eu/food/sites/food/files/safety/docs/fw_eu-actions_food-donation_eu-guidelines_en.pdf)

products (including fresh meat, fruit and vegetables), partly formulated products or food ingredients, which may arise at any stage of the food production and distribution chain for a variety of reasons. These foods are prevented from being sold and distributed through the usual retail channels. Reasons for that could be, amongst others:

- not meeting the manufacturer and/or customer specifications (e.g. variations in product colour, size, shape);
- production and labelling errors;
- difficulties in managing supply and demand (over-ordering and/or cancelled orders);
- issues relating to date marking (foods past the BBD);
- out of season time-marked products (for specific holiday season or promotional activity) and so on.

Based on EU legislation, food business operators (FBOs) are solely responsible to place safe products on the market throughout their shelf-life. Part of this responsibility is to determine the shelf-life for their products. For highly perishable foods and ready-to-eat foods, Regulation (EC) No 2073/2005 on microbiological criteria for foodstuffs defines the microbiological criteria foodstuffs need to comply with and provides the competent authorities the criteria against which the official controls are carried out. For non-highly perishable foods, it is up to the FBO to define the minimum durability date of a product until which the product, if properly stored, will retain all its qualitative characteristics.

This minimum durability date indication on food has been identified as a factor contributing to the wastage of food. This is due to misconceptions and misinterpretations by the consumers in particular, in relation to the BBD. According to Flash Eurobarometer 425 from September 2015<sup>13</sup>, just under half (47%) of Europeans understand the meaning of BBD labelling and somewhat fewer (40%) are aware of the meaning of “*use by*”.

## 5 FINDINGS

### 5.1 COMPETENT AUTHORITIES

1. Due to the federal structure in Belgium, the area of food losses, food waste and waste in general fall under the remit of the regional governments, whereas the area of food safety falls under the responsibility of FASFC.
2. In the Flemish region, three out of the eleven policy areas of the Flemish administration constitute the ‘core group’ dealing with food waste and food losses. These are the policy areas:
  - a. Welfare, Public Health and Family (WVG - *Welzijn, Volksgezondheid en Gezin*), in particular the Department for Welfare, Public Health and Family (*Departement Welzijn, Volksgezondheid en Gezin*);

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<sup>13</sup> Accessible at:  
<http://ec.europa.eu/COMMFrontOffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/FLASH/surveyKy/2095>

- b. Agriculture and Fisheries (LV - *Landbouw en Visserij*) with the Department of Agriculture and Fisheries (*Departement Landbouw en Visserij*);
  - c. Environment (OMG - *Omgeving*) with the Department of Environment (*Departement Omgeving*) and OVAM.
- 3. The service responsible for food waste and food losses in the regional administration of the Walloon region is the Department of Soil and Waste of DGO3 (General Directorate of Agriculture, Natural Resources and Environment). This responsibility is also shared with other services:
  - a. SG: General Secretariat of the Public Service of Wallonia, in particular the Department of Sustainable Development
  - b. DGO5: General Directorate of Interior Operations and Social Action
  - c. DGO6 : General Directorate of the Economy, Employment and Research.
- 4. Brussels Environment is the regional administration of environment of the Brussels Capital region. The alimentation service is responsible for food waste and food losses.
- 5. In 1995 the Federal government and the regional administrations established the Coordination Committee for International Environmental Policy (CCIEP). This committee is the forum used for co-ordination on environmental policies including waste and food losses and food waste. It concerns however, coordination only in aspects related to EU (and international) policies and obligations. For that purpose, the committee meets regularly twice a year with each rotation of the EU presidency, in order to discuss the dossiers which are high on the agenda of the new presidency. The forum is not used for sharing good practices and experiences from projects implemented in either of the regions.

## **5.2 PROJECTS AND INITIATIVES OF THE COMPETENT AUTHORITY**

- 6. Several projects and initiatives intended to reduce food losses are currently ongoing in Belgium.

### **5.2.1 FASFC**

- 7. In 2011, after recognising the importance of the awareness of the public about the meaning of the durability indicators, FASFC issued the Circular on the interpretation of the expiration dates<sup>14</sup>.
- 8. In 2013 FASFC issued a circular in relation to provisions applicable to food banks and charitable organisations (hereinafter: the FASFC circular). The FASFC circular is addressed to food banks and charities and provides guidelines for the interpretation of the durability dates, traceability, labelling, and freezing of pre-packed foodstuffs (see sections 5.4, 5.5 and 5.6).

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<sup>14</sup> The Circular is accessible at: [http://www.favy-afsc.fgov.be/denreesalimentaires/\\_documents/2011\\_12\\_23\\_Circulaire\\_dates\\_peremption\\_23-12-2011.pdf](http://www.favy-afsc.fgov.be/denreesalimentaires/_documents/2011_12_23_Circulaire_dates_peremption_23-12-2011.pdf)

9. FASFC supports initiatives of the regional administrations and the different sectoral federations, which are intended to reduce food losses and food waste. FASFC supported the publication of a brochure prepared in co-operation with the regional administrations and the sectoral federations of the food producing industry (Fevia), the retail sector (COMEOS) and the Federation of Food banks, intended to encourage food businesses to reduce food losses and food waste.
10. A food donation platform aiming to facilitate food donations to charitable organisations has been developed in close co-operation of FASFC with the regional administrations of the Walloon, Flemish and Brussel Capital regions and the non-profit organisations KOMOSIE association and the Federation of the Social Services (*Fédération des Services Sociaux* - FdSS). The platform is called 'Donations stock exchange' (*Bourse aux dons* / *Schenkingsbeurs*) and it brings together the donors with registered food banks or charitable organisations to allow for quick notification and quick collection and distribution of food to be donated.

### **5.2.2 Flemish region**

11. The Department of Environment of the region of Flanders has been assigned with the oversight and governance of the 'Food supply chain roadmap on food loss 2015-2020'<sup>15</sup>. The global objectives of this road map are to achieve a 15% reduction of food loss by 2020 and 30% reduction by 2025, while at the same time increasing the valorisation of food waste. The administration of the region of Flanders collaborates with the food supply chain and consumer organisations towards achieving the objectives. The roadmap covers the entire chain, meaning 'from farm to fork'. Nine action programmes with more than 60 actions are currently being implemented within the roadmap, and a progress report of all actions is produced every year.
12. The Department of Welfare, Public Health and Family of the region of Flanders is developing policies and measures for the supply of food to people in need, through subsidising of social food distribution platforms and the KOMOSIE association. It is also involved in a project intended to measure food losses in the care and welfare sector.
13. The Department of Agriculture and Fisheries of the region of Flanders coordinates the monitoring of food loss and food waste in the Flemish region. It also supports or implements research projects on technological innovation and valorisation of residues of the agri-food sector as well as research into (cosmetic) quality requirements for fruit and vegetables and the impact these have on food losses. The Department also works on the integration of food loss prevention into existing and new agricultural policy frameworks.
14. Apart from the oversight and governance of the 'Food supply chain roadmap on food loss 2015-2020', the Department of Environment is also carrying out research on food losses in Flemish households<sup>16</sup> and school environments<sup>17</sup> and supporting projects

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<sup>15</sup> See <http://voedselverlies.be/en> for more details

<sup>16</sup> See <http://www.voedselverlies.be/studie-huishoudens> for more details

intended to reduce food losses. The yearly contribution of Fost Plus (the organisation responsible for promoting, coordinating and financing the selective collecting, sorting and recycling of household packaging waste in Belgium) to the waste policy of Flanders (50 euro-cents per inhabitant) is also used for waste prevention, including food waste (Study on "Food loss and packaging" carried out in 2015, sorting scan including the prevention of food waste in 2019 for example).

15. OVAM work focuses on prevention and re-use and food losses and food waste. One of the measures introduced is called ‘*Pay As You Throw*’ and constitutes a financial incentive for households to reduce their (food) waste. OVAM monitors food losses and food waste in the Flemish region.
16. In order to achieve a more efficient valorisation OVAM will oblige from 2021 all catering facilities and supermarkets from to collect separately their organic matter waste (biomass).
17. OVAM and the Department of Environment are currently involved in research projects on the logistics of food redistribution platforms.
18. Other departments and agencies of the Flemish administration are also involved in projects and actions intended to reduce food waste and food losses. The Flemish administration also supports the project ‘Zero Food Waste Flanders – Innovate together’ which is implemented in co-operation with the European Food Waste Innovation Network ‘FoodWIN’.

### **5.2.3 Walloon region**

19. The administration of the Walloon region implements a program called ‘Plan REGAL’ – ‘*Program for the Reduction of Food Losses and Waste 2015-2025*’ (Plan REGAL - *Plan Reduction des Gaspillages Alimentaires*)<sup>18</sup>. The plan is coordinated by the Minister of Environment and Sustainable Development with other various Ministries (Agriculture, Health, Economy, Research, Education) and stakeholders (sectoral federations, charities, environmental associations, consumer associations, research centres, training centres, waste management operators, etc.) involved. The objective is (as also is the case for the Flemish region) to reduce food losses and food waste by 30% by 2025 through actions and initiatives taken along the entire food chain, from farm to fork.
20. The plan consists of 17 actions divided into five axes which are: a) raising awareness, b) involving all actors c) act, support & training d). measuring food waste and e) deepening knowledge. Examples of the actions foreseen in the Plan concern:
  - a. The creation of a forum to exchange good practices.
  - b. Information/awareness campaigns.
  - c. Mapping of donors and food aid organisations (supply and demand) and monitoring the logistics of food donations. The action is not only intended to

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<sup>17</sup> See <http://www.voedselverlies.be/voor-professionals> for more details

<sup>18</sup> See <http://moinsdedechets.wallonie.be/fr/je-m-engage/gaspillage-alimentaire> for more details

monitor the logistics of food donation but also to financially support the sector through annual public subsidies: calls for projects to share logistical resources and to support the development and functioning of the logistical collaborative platforms for food donations redistribution, development of a module of «solidarity logistics» within the electronic platform «*La bourse aux dons*» (<https://www.bourseauxdons.be/>) that connects donors and recipients of food donations.

- d. Anti-waste training for instance in canteens through the establishment of a green deal with the catering sector (signed in early 2019 - <https://www.greendealcantines.be/>) which contains several actions to measure and limit food losses.
  - e. Integration of the topic of food waste into professional training programmes.
  - f. Promotion of the *Rest-O-Pack* (doggy bag).
  - g. Research and development programs in the field of agricultural production and transformation, thanks in particular to the competitiveness cluster WAGRALIM (<https://www.wagralim.be/>) which brings together the economic operators of the agri-food sector and the university research and training centres.
  - h. Development of a reference system and other quick tools for calculating food losses and waste in the different sectors.
21. In the Walloon region, there are also legislative tools in place that regulate subsidies given to (inter)municipalities<sup>19</sup> and social groceries and restaurants<sup>20</sup>, notably for food waste prevention. As in Flanders, the yearly contribution of Fost Plus to the waste policy of Wallonia (50 euro-cents per inhabitant) is also used for waste prevention, including food waste. In order to reduce food losses from the retail sector, the administration of the Walloon region issued an order obliging retail stores with a total surface of more than 2500 square meters to offer all unsold still edible food to at least one food aid organisation. The authorities are discussing whether to extend the measure to retail shops of smaller size. As in Flanders, the Walloon Region is also developing policies and measures for the supply of food to people in need, through subsidising of FdSS and food redistribution (electronic) platforms (*FoodWe* - <https://www.foodwe.be/> and «*La bourse aux dons*» - <https://www.bourseauxdons.be/>). The Region also subsidizes several municipalities that have decided to develop a "zero (food) waste" approach.

#### **5.2.4 Brussels Capital region**

22. The Brussels Capital region has also developed a strategy towards a more sustainable food system called '*Good Food - Towards a Sustainable Food System in Brussels*

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<sup>19</sup> Arrêté du Gouvernement wallon du 17 juillet 2008 relatif à l'octroi de subventions aux pouvoirs subordonnés en matière de prévention et de gestion des déchets (Order of the Walloon Government of 17 July 2008 on the granting of subsidies to subordinate authorities in the field of waste prevention and management).

<sup>20</sup> Décret wallon du 27 mars 2017 insérant des dispositions relatives à l'aide alimentaire dans le Code wallon de l'Action sociale et de la Santé (Walloon Decree of 27 March 2017 inserting provisions relating to food aid in the Walloon Code of Social Action and Health).

*Capital region*<sup>21</sup> , which is coordinated by Brussels Environment. *Good Food* is a seven-point strategy, one of those seven-point is focused on reducing food loss. The point is focused on actions for reducing food loss at source, be it establishments, restaurants, canteens, retail shops or even households, and, on recovering and reusing unsold produce. The objective is to achieve a 30% reduction in food loss and food waste by 2020.

23. In order to reduce food loss at the source actions consist of developing practical information tools and training for consumers and educational tools for schools. Canteens are encouraged to integrate and actively engage in the fight against waste by participating in the "Good Food canteens" program. Upon fulfilling certain criteria, canteens receive a Good Food label. At retail level the actions focus on enhancing the exchange good practices (via the Good Food portal) and in promoting of use of the Rest-O-Pack in restaurants.
24. In order to recover unsold food, actions in the Brussels Capital region focus in supporting the introduction of local initiatives to recover unsold food and promoting existing tools in order to match the surplus food supply to the demand from beneficiaries (IT platform for food donations, consultation between food recovery stakeholders, etc.). By the year 2020, it is targeted that all supermarkets in the Brussels Capital region should be working with at least one food aid association for the recovery and redistribution of unsold food.
25. The administration of Brussels Capital region has supported the establishing of the project 'DREAM'. The aim of the project is to recover unsold or surplus food from the wholesale market in Brussels and redistribute it to food banks and charities.

#### **Conclusions on projects and initiatives of the competent authority**

26. The three regions of Belgium have adopted policies and have put in place several projects and initiatives intended to promote a reduction in food waste and to facilitate food donations. The federal services and regional administrations support private initiatives and cooperate to achieve the targets set by the regions to reduce food waste by at least 30% by 2025.<sup>22</sup>

### **5.3 MEASUREMENT OF FOOD WASTE**

27. Measurement of food losses and food waste on a regular basis started in the Flemish region in 2015. The measurements from that particular year constitute the benchmark for the future policies and targets. Flanders used the Fusions quantification Manual as a starting point for its measurement effort. As already mentioned in paragraph 17, the

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<sup>21</sup> See <https://www.goodfood.brussels/> for more details

<sup>22</sup> In their response to the draft report, the competent authorities explained that since the fact-finding mission, representatives of the competent authorities have decided to meet every two months to share their experiences in monitoring and reducing food losses and waste.

global objectives of the ‘Food supply chain roadmap on food loss 2015-2020’ are to achieve by 2020 a 15% reduction of food loss and by 2025 a 30% reduction, compared to the amounts of food waste measured in 2015. For the measurement and reporting of data and statistics on waste and the food waste plug-in, OVAM uses the list of waste (LoW) codes provided in Commission Decision 2014/955/EU<sup>23</sup>. The data is collected by a biannual sample survey.

28. Some 6144<sup>24</sup> FBOs in the region of Flanders were selected to participate to the OVAM surveys for measuring waste food losses and food waste. The FBOs were expected to measure their waste including food waste, keep daily records and provide once a year a consolidated report to OVAM with their annual production of waste and food waste. About 82% of the selected FBOs have replied to the questionnaires and provided data to OVAM.
29. For completion of the data on food waste, the region of Flanders collects additional data through a number of sectoral surveys, including also waste composition analyses and kitchen diaries from households. These surveys concerned:
  - a. the agricultural sector focusing at food losses occurring from the point of being ready for harvest;
  - b. the auctions of agricultural produce, focusing in particular on losses occurring due to market interventions or due to the operations at the auctions, carried out in co-operation with the sectoral federation VBT (Federation of Belgian Horticultural Cooperatives - *Verbond van Belgische Tuinbouwcoöperaties*);
  - c. the fisheries sector, focusing in particular on the by-catch;
  - d. the food producing industry (carried out in co-operation with the sectoral federation Fevia);
  - e. the retail sector (carried out in co-operation with the sectoral federations COMEOS and BUURTSUPER);
  - f. the hotels, restaurants and catering (HORECA) sector and;
  - g. the households.

For these extra surveys, there is no legal requirement for the FBOs to respond. However, the sectoral federations, which committed to support the actions of the ‘Food supply chain roadmap on food loss 2015-2020’, encourage their members to do so.

30. A dairy establishment visited in the region of Flanders which produces hard cheese, collected and maintained daily records on the different streams of waste including food waste, which are sent to OVAM in consolidated form as annual record. The submission of the data to OVAM is done electronically through an Internet portal for reporting of waste and food waste data.

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<sup>23</sup> Commission Decision 2014/955/EU of 18 December 2014 amending Decision 2000/532/EC on the list of waste pursuant to Directive 2008/98/EC of the European Parliament and of the Council is accessible at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014D0955>

<sup>24</sup> This figure concern not only food producing establishments (transformation sector) but also other types of food business operators. Based on data provided by Fevia, there were 4346 FBOs in the transformation sector in Belgium.



31. The data provided are used by OVAM for analysing and assessing the situation and the progress made towards achieving the roadmap targets. The data and the analysis are compiled to a report published on a bi-annual basis. The results obtained through the surveys in the region of Flanders are extrapolated and used for the reporting of the Belgian data to EUROSTAT in the framework of the Waste Statistics Regulation<sup>25</sup>.
32. In relation to the measurement of food losses at household level, the OVAM implements every five years a project for analysing household waste composition in order to measure food waste and food losses. According to the representatives of the regional authority, the composition analysis of household waste is very costly and therefore there are not sufficient funds to allow repeating this project in less than every five years. In addition, the cost rises when a more in-depth and detailed analysis is requested. In 2017 other waste disposal manners (sink/toilet, pet feeders, home composting and container for vegetables, fruit and garden waste)<sup>26</sup> were analysed for the first time. It is unclear if these costs can be made on a regular basis.
33. In November 2017, WVG and OVAM supported a project of the city of Bruges aimed to measure the food losses in the health care sector with the ultimate objective to reduce food surplus and losses in public facilities. The assessment was based on the Food Waste Challenge method (developed by FoodWIN). The project focused on hospitals, nursing homes for elderly people and facilities for people with disabilities. Based on the results obtained, the overall food losses range around 25%. For meat, vegetables and potatoes the losses (not consumed food) range from about 30% to 40% with the meat being the most wasted food. The results were based on measurements of both the portions offered and the unconsumed amounts which were thrown in the bin.
34. The ICEDD Institute is currently running a project for developing for the Walloon region a measurement tool for estimating food loss and food waste in the region. This project will cover the entire food supply chain including the primary production sector. The objectives of the project are to develop a tool for the Walloon region to manage the mandatory reporting of food waste and food losses, and to assess impacts and goal achievements of the REGAL programme of the Walloon region. The data collected comes mainly from administrative databases and sectorial surveys, supplemented by waste composition analyses and Quick Win diagnosis.
35. The project will also focus on two different areas a) quantification of the organic waste in the industrial sector based on an annual waste quantification survey, and b) quantification of food loss and waste in the HORECA sector based on a dedicated sectorial survey.
36. The Walloon Region conducts an analysis of the composition of household residual waste and household organic waste collected selectively every 4 to 5 years. This analysis is complemented by the results of a biennial barometer of waste prevention

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<sup>25</sup> Regulation (EC) No 2150/2002 of the European Parliament and of the Council of 25 November 2002 on waste statistics accessible at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32002R2150:EN:NOT>

<sup>26</sup> Food waste and households: <http://www.voedselverlies.be/studie-huishoudens>

(survey of 2000 households) which provide information and estimates of liquid food losses and quantities of home composted food waste.

37. Based on the 2016 monitoring results of the Walloon region, it was estimated that in the HORECA sector 9,000 tonnes of food waste and food losses were generated. It was also estimated that if an establishment could achieve a 50% reduction in food waste that would have a potential financial gain of 5,800 Euro per year for each establishment. In the households, the surveys in Walloon region carried out in 2017-2018 revealed that around 70,000 tonnes of food per year are wasted, which equals to 19.4 kg per inhabitant.
38. According to a sectorial study carried out for the Walloon administration in cooperation with Fevia in food processing companies in the Walloon Region during 2016-2017, food losses accounted for 2.27% of the total production. Due to the small number of the participants (15) it was not possible to draw concrete conclusions as to which sector may be more prone to generate food waste. It was also estimated that around 18.7 tons of food from those companies could have been donated per year (finished and packed but not conform to quality requirements).
39. The main causes of food losses identified through the Fevia survey were human errors during the production (e.g. wrong parameters), interruption of the production process for different reasons, limitations in equipment efficiency or state of maintenance of the equipment, shape, look (appearance) and colour of the final product etc. According to Fevia, the measures most frequently cited by the FBOs as applied to reduce food losses were the treating or reworking of products within the factory, the sensitizing of personnel, the measuring of food losses and the follow-up of the measures adopted to reduce them, the use of key performance indicators, the good maintenance of the equipment, the optimisation of stock management.
40. In the Brussels Capital region, a household waste composition analysis has been carried out to quantify the proportion of food loss and food waste. As part of the mid-term evaluation of the 'Good Food' strategy, data is being collected to assess the impact of the actions undertaken. An agreement with the retail sector is currently being finalised, which provides for the communication of figures on unsold food to the authorities. According to Brussels Environment, these figures to be obtained from the retail sector will enable the tracking of progress made towards reduction of food losses and food waste.
41. The mission team noted that with the exception of an FBO visited in the region of Flanders, the FBOs do not communicate their food waste measurements to the competent authorities of their regions as they are not obliged to do so<sup>27</sup>.

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<sup>27</sup> In their response to the draft report the competent authority explained that the FBOs also report their organic (waste) fluxes towards the authorities and are obliged to do so (periodic notification of environmental data written in regional legislation). In the case of the confectionery in Flanders, the organic flux is used as a resource for animal feed

42. All FBOs visited adopted measures to prevent the generation of food waste. The efforts of all FBOs aim primarily at keeping food losses and consequently food donations to the minimum possible level.
- a. In the dairy establishments and the confectionery visited, re-processing or incorporation of products (e.g. off-cuts or underweight or misshaped products) into other products were amongst the measures implemented to reduce food losses.
  - b. Technical modifications in the equipment and storage facilities for raw materials contributed to a significant reduction of the food waste in the confectionery.
  - c. The confectionery would periodically also donate products to local charitable organisations of schools.
  - d. One of the dairy producers visited explained that underweight products would also be given to customers or potential customers as promotional samples; the other explained that by improvements made in ripening and cutting process for cheese, the food losses could be reduced by 30%.
  - e. The meat products establishment for instance, implemented a sequencing of production with the products containing no allergens being produced at the beginning of the day and the products with allergens thereafter, in order to avoid the generation of potentially contaminated products (unfit for being placed on the market) when switching production between the different products. Any off-cuts of meat products from the slicing process would be sold at reduced price to the local market.
43. Different measures have been taken by the retailers following the analysis of the factors, in order to reduce food waste. These include amongst others the controls of stock, the placing of food with the shortest remaining shelf-life in the first rows and the reduction of the price shortly before the durability dates are reached. According to data from COMEOS, from the entire retail sector in Belgium, only approximately 11% of the food removed from the shelves is donated. The remaining 89% are valorised mainly for biogas production (75%), followed by animal feed (8-10%) and composting (4-6%). However, it should be taken into account that not all food waste from retailers is still consumable. Packaged food with damaged packaging, meat by-products (e.g. fat), mouldy fruits, etc. cannot be donated anymore but are nevertheless, valorised and not simply incinerated.

#### **Conclusions on measurement of food waste**

44. The regional administrations in Belgium have already set targets to be achieved in terms of reduction of food waste and started to implement actions for measuring and monitoring of food waste and food losses in the different sectors and actions aiming to reduce food waste and food losses.

#### 5.4 FOOD REDISTRIBUTION – RULES AND GUIDES

45. The FASFC requires that all operators active in the food chain must be known by FASFC in the form of a registration («*enregistrement*» in French, «*registratie*» in Dutch), an authorization («*autorisation*» in French, «*toelating*» in Dutch) or an approval («*agrément*» in French, «*erkenning*» in Dutch). The same applies for food banks and charitable organisations, with the former acting as facilitator organisations handling, storing and distributing food to the latter for final distribution of the food to the people in need. Food banks and charitable organisations must have a registration or an authorisation with the FASFC and are then subject to risk-based official controls by the FASFC.
46. A pre-condition for the registering with FASFC though is that the food bank or the charitable organisation is a registered entity in the corporate registry. This requirement allows for some charitable activities, especially if these are run on individual's initiative (for instance operation of public refrigerators), to remain unregistered and thus out of the scope of FASFC and consequently out of the scope of official controls. If the manager of a public refrigerator brings together and collects various foodstuffs from operators (local shops, supermarket chains, etc.), then there is no longer any mention of a public refrigerator for which no registration has to be requested from the FASFC. The initiative then forms part of the activities of the charity association that should be known by the FASFC.
47. Depending on the products handled or stored, charitable organisations need to have either a registration or an authorisation by FASFC. Food banks and charities which distribute exclusively foodstuffs with a shelf life of at least three months at ambient temperature need to have a registration. All others, in particular, those handling and storing of food in refrigeration or freezing or food with a shelf life of less than three months at ambient temperature, require an authorisation.
48. In 2017, 197 food banks/charities had a registration with FASFC and 723 had an authorisation. According to the last available data from FdSS, around 1040 food aid organisations are currently active.
49. In order to facilitate their charitable work, food banks and charitable organisations are exempted from the annual levy (inspection fees) which normally other FBOs (with a registration, authorisation or approval) are obliged to pay to FASFC on an annual basis.
50. As regards labelling, the FASFC circular (see paragraph 8) provides that if pre-packaged food is supplied to food banks or charitable associations without the required labelling, the labelling information must be presented before the products are distributed to the consumer. The following data shall be indicated as a minimum in each consumer package distributed by the food bank or charitable organisation:
  - a. Name of the product;
  - b. durability dates for all products except for those listed in Annex X to Regulation (EU) No. 1169/2011;

- c. name and complete address (street, number, postal code and town) of the food bank or charitable organisation which distributes the products.
  - d. In addition to the above, all mandatory information which, according to Article 9 of Regulation (EU) No. 1169/2011, should appear on the label, should be clearly written and presented to the consumer, at a place clearly visible and in the immediate vicinity of the food, and at least in the language of the region where the food bank or charitable organisation is located.
51. In the case of packages, which are not destined directly for the end consumer but are distributed to, for example, social restaurants in order to be processed before serving, the FASFC circular explains that it is sufficient if all mandatory information is transmitted by the food bank or charity e.g. on an accompanying document. In that case, it is not required that the individual packages are labelled.
52. The mission team noted that a retailer visited was using a private Internet platform (not supported by the public authorities like «*Bourse aux dons*» or *FoodWe*) for the redistribution of the foodstuffs, which were expected to be removed from the shelves at the end of a day. Due to the fact that the FBO does not know beforehand what will be removed from the shelves to be included in the baskets sold at a discounted price, it is impossible to comply with the provisions of Regulation (EU) No 1169/2011. Neither the seller nor the Internet platform provider is able to know what foodstuffs will be handed over to the buyer at the end of the day in order to provide all the information required by Article 14 of the above mentioned Regulation at the moment the Internet sale transaction takes place.
53. The above-mentioned FASFC circular provides also guidelines for freezing of food with the intention to extend the shelf life for the purpose of facilitating food donations.
54. According to FASFC, no special authorisation is required for an FBO to freeze food in order to extend the shelf life for the purpose of food donation. Prepacked foodstuffs, such as meat products or fresh meat or fish are permitted to be frozen either by food banks or charitable associations or the retailers. The risk of freezing of food to extend shelf life for the purpose of food donations has been subject to an assessment by the FASFC scientific committee. Based on the on the opinion issued (Opinion 05-2015 of the 27 February 2015) and the FASFC circular, the following conditions must be met:
- a. The freezing must take place at the latest by the '*Use by*' date.
  - b. The cold chain is never interrupted, especially during the collection and transport of the foodstuffs, which entails that the time required for collection and transport have to be kept as short as possible, especially when it is hot outside and ideally, refrigerated vehicles should be used to transport the products or at least a cool box.
  - c. Random checks are conducted upon reception of the foodstuffs to verify compliance with the temperature requirements of the Royal Decree of the 13 July 2014.

- d. The date of freezing must be indicated on the packaging together with a warning sentence added on the packaging: 'For immediate consumption after thawing'.
  - e. The food must have been frozen for at least 48 hours before redistribution and in any case it should not be distributed for consumption two months after freezing.
  - f. In the case the freezing of pre-packaged foodstuffs destined for food banks or charity organisations takes place at retailers, it must be ensured that the goods intended for donation are clearly separated from the food of the shop.
55. According to a representative of a retailer met, these requirements limit the possibilities of both the donor and receiver. Due to the fact that the food bank receiving the donations from the retailer does not avail of a refrigerated vehicle, the retailer does not freeze food and does not even donate products requiring refrigeration, although the retailer visited would have the equipment and the capacity to freeze prepacked food for donation.
56. The FASFC circular provides also some technical guidance about the actual freezing process.
57. According to the retailers met and the facilitator organisations visited, the biggest share in donated food are fruits and vegetables. Fresh products like yoghurt, cheese and pre-packaged meat products, which are labelled with a BBD are highly valued by the charitable organisations and are well received by the recipients.
58. As regards eggs, according to the egg packer met and the retailers visited, eggs which passed their "Sell by" date are mainly donated to food banks and charities.
59. According to information provided by a representatives of a facilitator organisation visited, eggs donated from the retailers are redistributed to charities and are donated to people in need within one or maximum two days from their receipt from the retailers.

### **Conclusions on food redistribution – rules and guides**

60. FASFC developed guidelines for certain activities related to food donation and food redistribution, including the freezing of prepacked food for extending the shelf life for the purpose of food donation. The guidelines are in the form of a circular letter, addressed to food banks and charities. Certain provisions included in the circular were the result of a risk assessment carried out by the FASFC scientific committee.
61. Some Internet platforms (which are not supported by the public authorities like «*Bourse aux dons*» or *FoodWe*) used to facilitate redistribution of foodstuffs close to their expiry date cannot comply with certain provisions of Regulation (EU) No 1169/2011, namely those of Article 14, which require specific information to be available to the consumer before the Internet sales transaction takes place.
62. The lack or limited cold storage capacities and refrigerated transport capabilities of some charities leads to food loss of some surplus food, which requires the maintenance of the cold chain from the donor to the final consumer. Additional factors resulting in food losses are for instance the incorrect sorting by the donors of unsold food, which results in food aid associations having to manage aside from their own waste also the waste of the donors, or the lack of professionalism and/or training in logistics of volunteers. The fact that the amounts of donated dry goods are much higher than the amounts of fresh goods, makes the arrangement and distribution of balanced food aid packages a difficult task.

### **5.5 TRACEABILITY OF DONATED FOOD**

63. The Royal Decree of 14/11/2003 concerning self-checking, reporting duty and traceability in the food chain, introduced relaxations regarding the traceability requirements for food banks and charities. Article 6, §4, 1° and 2° of the above mentioned Decree provides for a simplified traceability procedure, whereby, food donors on one hand and food banks and charitable organisations on the other, need only keep a register with the charities and food banks supplied and the food donors respectively. These relaxations are provided in order not to negatively affect the supply of foodstuffs to food banks and charities due to administrative constraints.
64. The FASFC rationale behind provision for relaxation of the traceability requirements is that donated food is already at the end of the food chain. Due to the fact that the

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<sup>28</sup> In their response to the draft report the competent authority stated that donations of non-prepacked foodstuff (for example prepared dishes) is allowed, even though the current version of the circular letter does not give guidelines concerning the donations of non-prepacked foodstuff. With regards to the social grocery store visited where it was noted that the organisation received three boxes of dry sausages in bulk, neither with labelling information nor any other information other than the indication of the Best Before Date the competent authority explained that, even though dry sausages are not included in the annex of the FASFC circular letter, because that list only contains the most frequent donated foodstuffs, the operator remains responsible for determining the shelf life of his products and thus determining the food safety. A case-by-case assessment of the product is always needed and has to be made.

food is pre-packed, identified and labelled, in case of an emergency this food could easily and quickly be recalled or withdrawn.

65. The mission team however, noted, that the provisions of the FASFC circular, in particular the requirement that only pre-packed food is donated is not always followed by the charities. In a social grocery store visited for instance, the mission team noted that the organisation received three boxes of sausages in bulk. Neither labelling information nor any other information was provided other than the indication of the BBD<sup>28</sup>.
66. In the case the foodstuff donors would like to avail of a refund of the value added tax (VAT), they would need to list the product types donated and the respective quantities.
67. A representative from a retailer met explained that some retailers are not interested to avail of the VAT refund because the effort and the resources that would be required to manage the indication on traceability documents of the products donated with the respective quantities, would cost much more than the total amount of the VAT refund.
68. One of the retailers visited was not aware and was not informed by the charities receiving food donations about the traceability requirements of the Belgian legislation. As a result, the charities were receiving food donations without any record for traceability purposes.

#### **Conclusions on traceability of donated food**

69. In order to avoid any burden for the food donors and thus facilitate the donation of unsold food and food surplus, FASFC decided to allow for a simplified traceability for food donations. FASFC decision was based on a risk assessment and the assumption that only pre-packed food is donated, which was not always the case. This simplified traceability requires the donors to maintain a list of the charities and food banks receiving the food, and the latter to maintain a list with their donors.

## **5.6 DATE MARKING – DETERMINATION AND CHALLENGES**

### ***5.6.1 Determination by food business operators***

70. The dairy establishments visited were carrying out shelf-life trials for their products. Particular attention for determining the BBD was paid to the sensorial properties of the products. The trials carried out are used to confirm that within the established BBD the product remains microbiologically safe and the sensorial properties are not negatively affected.
71. According to the FBOs of the dairy establishments met, the established BBD provides for a safety margin of a few days in order to cater for any fluctuations of the cold chain until the product ends up with the final consumer.
72. According to the FBO met in a dairy establishment visited, only ultra-high temperature treated (UHT) milk is produced and a preferred product in Belgium.



73. In the confectionery visited, the FBO stated that the products are safe to consume even after years, however, due to the evaporation through the packaging material and the drying out of the products, the FBO was setting the BBD to seven months for products marketed under the own brand name. For products to be exported or to be marketed under a customer's brand name, the BBD was set to up to twelve months on the basis of the request of the customer.
74. The mission team noted that the justification of the FBO that products dry out and therefore it was necessary to limit the BBD to seven to twelve months was not always plausible. The FBO would for instance use the same length of BBD whether the product concerned individually packed pieces of a few grams to individually packed pieces of up to a kilogram of the same product. The mission team noted that, should the evaporation of water be the determining factor for limiting the BBD, then one would expect that the bigger presentations of the product would have a longer BBD compared to the individual portions.
75. In the meat processing establishment visited (SME - small or medium-sized enterprise), the FBO explained that they use as a first orientation the durability recommended by FASFC the time limits that are given in the annex of the FASFC circular letter (shelf life of 30 days for cooked meat products, dried sausages, sliced cured ham, and aspic), although these are time limits for foodstuffs which food banks and charities can use as a guideline to determine the shelf life of foodstuffs once the date of minimum durability (the best before date) has been reached or has expired. These time limits are merely indicative and a case-by-case assessment always has to be made, as it was the case for the FBO concerned (tests carried out by laboratories and/or a school of agronomy / microbiology located not far from the FBO).
76. The FBO set the BBD for cooked ham to 30 days. For dried sausage the FBO set the BBD to 60 days in order to avoid possible changes in the appearance of the product which might impair its marketing/selling, even though, according to the FBO assessment, the sausages would be safe to consume even after nine months. As regards the dried cured ham, the FBO has set the BBD for uncut product to six months and for sliced product to 30 days. According to the FBO's data and observations, the sliced cured ham would be safe to consume even up to three months.
77. The mission team noted that, in particular for the dry cured meat products, the durability indicated by the FBO is much shorter than the actual durability the product could have according to the FBO's assessment.
78. In the egg packer visited, the FBO explained to the audit team that certain retail chains require the printing on the packages and on the eggs of a 'Use by' date below 28 days from laying (mostly 23-24 days). As the mission team did not visit any of the retailers requiring shorter durability to be indicated on the eggs, it is not clear whether these retailers remove from the shelf these eggs one week before, in which case the shelf life is reduced, or whether the product stays on the shelves until the date indicated on the eggs (which is more than 21 days) which would not be in line with the current legal requirements.

79. The egg packer explained also that the shelf life indicated on eggs exported to third countries is 12 weeks. Those eggs are after laying and throughout the shelf life kept refrigerated. As far as the FBO was aware there were no issues and no complaints from the customers.

#### **5.6.2 Verification by competent authorities**

80. FASFC explained that the determination of the durability indications, namely 'Use by' date and BBD is entirely the responsibility of the FBOs. For that reason, FASFC does not challenge the decisions of the FBOs during official controls. However, as part of the FASFC control program, samples can also be taken during an inspection and sent to a laboratory for microbiological analyses.

#### **Conclusions on date marking – determination and challenges**

81. Although for certain products there seems to be some margin for extending to some degree the shelf-life (BBD) for some products, FBOs prefer to allow for a safety margin of the products to prevent the possibility of deterioration of the sensorial characteristics of the products due to suboptimum transport or storage conditions.

82. In some cases, the durability requirements for the products are often dictated by the customers and the retail sector.

83. FASFC considers that the determination of the shelf-life ('Use by' date or BBD) is an obligation of the FBOs and therefore the decisions taken by the FBOs are not challenged.

### **5.7 OFFICIAL CONTROLS AND MEASURES TO PREVENT FRAUDULENT PRACTICES**

84. As long as the donated food is not waste, official controls and measures to prevent fraudulent practices are under the responsibilities of the federal authorities, in particular FASFC. The latter carries out official controls to all FBOs or food banks and charities registered in their database. The frequency of official controls depends on the type of operations and activities carried out. As explained by FASFC, official controls focus mainly of food hygiene requirements and traceability. However, the three Regions are competent for the organisation and control of the withdrawal of fruit and vegetables from auctioning. The Regions are also competent for verifying the application of the ladder of Moerman and the circularity of food waste, in case the donated food is not completely used for human consumption (through food banks or food redistribution platform for example) or can be used for other purposes (through waste processing operators for feed or fermentation). Other aspects are also verified such as the respect of waste and animal by-products regulations (when the cold chain is broken, when expiration date is exceeded, etc.).

85. As explained though by FASFC, a specialized unit within FASFC, known as the National Investigation Unit (NIU), is dealing with the fight against fraud. According to FASFC, the work of NIU has made it possible to identify and put an end to

fraudulent practices regarding the illegal re-use of foodstuffs (e.g. commercialization of expired frozen meat). The NIU has many ongoing cases pertaining to the relabelling of foodstuffs e.g. FBOs tampering with the origin of the products, the delivery dates, the expiration dates in order to be able to continue selling the products or add to their value. Many of these fraud cases are dealt with in cooperation with the Justice Department.

86. According to Fevia, a big manufacturer member of the federation informed them that they stopped donating food because they have identified that food donated by them was placed back on the market through alternative circuits.

**Conclusions on official controls and measures to prevent fraudulent practices**

87. Official controls in relation to food donations are focused on food hygiene and food safety and traceability and are carried out on the basis of a set frequency depending on the type operations and activities carried out.
88. A specialised unit within FASFC is dealing with fraudulent practices in the food chain. Past experience shows that the risk of fraudulent practices in food donations is not only theoretical.

**6 FACTORS CONTRIBUTING TO FOOD WASTE, DIFFICULTIES FACED - FBOs' VIEWS<sup>29</sup>**

89. The mission team noted that in the FASFC circular in relation to the expiry dates (reference: PCCB/S3/802859 of 23/12/2011), it is explained that for certain products, especially those requiring refrigeration (after opening), the BBD should by way of exemption be considered as a 'Use by' date and the products cannot be sold after the BBD. FASFC further explains that this is due to the fact that such products are highly perishable and that it is not possible to assess the risks for such products passed the BBD.
90. The mission team also noted that the spirit of the circular mentioned in the previous paragraph is reflected in the Annex to the FASFC circular to food banks and charities, where meat products as well as yoghurt are included in the group of products with short shelf life. The guideline indicated for that group states "*These products must NEVER be accepted or distributed past the best before or use-by date. The consumer has to be able to consume the product at the latest on the best before date or use-by date. It is important to ensure that the cold chain is maintained (storage, transport, distribution); if this requirement is not met, the products must NOT be distributed!*".
91. Taking into account though the information given in paragraph 76, the mission team noted that the generalised consideration of the BBD as a 'Use by' date for products requiring refrigeration, irrespective of the nature and the type of the product and irrespective of whether the cold chain was disrupted or not, the FASFC guideline to

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<sup>29</sup> In their response to the draft report the competent authority stated that the findings described in paragraphs 89-91 are justified and will be taken into account in a subsequent revision of the circular.

never redistribute such products passed their BBD could contribute to food losses of certain products.

92. The egg packer met questioned the logic and the purpose of the "Sell by" date for eggs at 21 days after laying. This results in a number of eggs being wasted. Abandoning the "Sell by" date or extending it to 28 days will lead to a reduction of eggs being wasted.
93. In addition, the egg packer explained that large quantities of eggs are wasted because of the requirements imposed from certain retailers to have a shorter durability printed on the eggs. According to the egg packer, each time the printing machine is switched to a different date, a quantity of eggs is destroyed until the machine is recalibrated. The mission team noted that should the retailers remove the eggs with the "shortened" 'Use by' date one week earlier from the shelves, the reduction of the shelf life could potentially contribute to increased food loss.
94. As explained by the retailers and also by the representative of FdSS, the limited or inexistent capacities of food banks and charities for storage and cold storage for food as well as problems with the transport logistics due to limited number or lack of refrigerated transport vehicles contribute significantly to losses. As explained by the representative of FdSS, with the current situation in terms of storage and transport logistics, even if the quantities of food donated would increase, the organisations would not be in a position to deal with the increased amounts.

## 7 OVERALL CONCLUSION

All the three regions of Belgium have set concrete targets for reducing the food waste and food losses by 30% by the year 2025. Many projects and initiatives are currently ongoing or in the pipeline towards achieving the set targets.

Many food banks and charities are involved in the redistribution of food to people in need, whose number is increasing every year. However, shortage of storing and cold store capacities and transport logistics is preventing them from absorbing the quantities of food that is potentially available for redistribution.

The administrations of the Flemish and Walloon regions have already started with the measurements of food waste; Brussels Capital region is in the process to start obtaining data from the retail sector.

Based on information gathered, there is, at least for certain commodities, some margin to increase the durability indication.

The FBOs and representatives from organisations met shared their views about difficulties they face in relation to food losses and food waste.

## **8 CLOSING MEETING**

A closing meeting was held in the headquarters of Brussels Environment in Brussels, on 19 September 2018 and was attended by representatives from FASFC and the regional administrations of the Flemish, Walloon and Brussels Capital regions. Representatives from the sectoral federation COMEOS also attended the meeting. During this meeting, the mission team presented the findings of the fact-finding mission.

## ANNEX 1 – LEGAL REFERENCES

<b>Legal Reference</b>	<b>Official Journal</b>	<b>Title</b>
Reg. 882/2004	OJ L 165, 30.4.2004, p. 1, Corrected and re-published in OJ L 191, 28.5.2004, p. 1	Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules