

Political demands by Foodsharing Luxembourg

Foodsharing Luxembourg is happy to advise on the drafting of a legal text based on the following demands and on its practical experience.

Demands

1. Mandatory **price reduction** on foodstuffs **shortly before expiry** of the best-before and use-by date

We call for wholesale and retail to be obliged to offer goods at least 30% reduced in price at least 3 days before reaching the best-before and use-by date. Some food companies, such as Match¹ or Naturata², already do this voluntarily with success, but not all offer this yet. The period before reaching the date can be adapted depending on the type of product, e.g. for fresh produce with a short shelf life. The approaching date should be pointed out.

2. **Compulsory donation** of still edible food

We demand that wholesalers, retailers and online traders as well as food producing and processing companies are obliged to donate all the goods to third parties which they can no longer sell, but which do not yet show any signs of perishability.

This includes food that has exceeded the best-before date, as this date does not imply inedibility. Excluded are foods that have passed the use-by date.

This has already been implemented in France since 2016³. There are lessons to be learned from the weaknesses of the French legislation.

¹ "Food bag" with products worth 12€ for 5€, under heading "Le food bag c'est bon !":
<https://www.supermarche-match.lu/planet-match>

² Discount of 30%, under question "What is NATURATA doing to reduce food wastage?":
<https://www.naturata.lu/en/faqs>

³ "French Food Waste Law Changing How Grocery Stores Approach Excess Food":
<https://www.npr.org/sections/thesalt/2018/02/24/586579455/french-food-waste-law-changing-how-grocery-stores-approach-excess-food>

This aligns with the ban on disposing of these still edible foods. Penalties per violation must be imposed. Tax breaks are not advisable, as they could possibly tempt food businesses to buy more if the spoilage of the goods no longer means a financial loss.

The receiving third parties may be private individuals, employees, non-profit organisations or companies. Third parties that supply food for human consumption must be given priority over other uses. The food waste hierarchy clarifies the corresponding order - Prevention comes first, followed by human and then animal use, only then other uses such as transformation, composting and energy production.⁴ This is also recommended by the EU Platform on Food Loss and Waste.⁵

In the same step, food waste incineration and dumping must be banned, as also demanded by the NGO Feedback EU.⁶

3. Introduction of **legal certainty** for **saving** food that is still edible

We call for a simplification of food sharing, as this food needs to be consumed as soon as possible.

- Donating establishments must be exempted from liability when giving food away, as in Italy for example⁷.
- The transferring organisations must be exempted from liability in case of best practice transfer, careful handling and open communication, as for example in Italy⁸. These must be treated differently from commercial food businesses in the legislation.

⁴ Graphic "Practical application of the waste hierarchy for food"
https://food.ec.europa.eu/safety/food-waste/eu-actions-against-food-waste/food-waste-measurement_en

⁵ "Recommendations for Action in Food Waste Prevention - Developed by the EU Platform on Food Losses and Food Waste", 2019, Seite 13:
https://food.ec.europa.eu/system/files_de?file=2021-05/fs_eu-actions_action_platform_key-rcmnd_en.pdf

⁶ "No Time to Waste - Why the EU needs to adopt ambitious legally binding food waste reduction targets", 2022, Seite 29:
<https://feedbackglobal.org/wp-content/uploads/2022/09/Feedback-EU-2022-No-Time-To-Waste-report.pdf>

⁷ "Regelungen gegen Lebensmittelverschwendung in ausgewählten Ländern. Wissenschaftliche Dienste", Deutscher Bundestag, 2019, Seite 12-18:
<https://www.bundestag.de/resource/blob/648932/7c64ad8483b3e289ce6896fc36198be0/WD-5-046-19-pdf-data.pdf>

⁸ see footnote 7

4. Stronger **promotion of the Antigaspi campaign**

The excellent work of the Ministry of Agriculture's *Antigaspi* campaign⁹ must be expanded. With household waste being the highest at 72%¹⁰ and 91% of households self-reporting in a recent ILRES survey¹¹ that they regularly throw away food, extensive education and theming of the problem and its solutions is important. This includes food appreciation, the distinction between best-before and use-by dates, and tips on how to reduce food waste in everyday life. Above all, it is important to know the distinction between the two dates. For example, in the ILRES survey¹² three quarters confused the definition of best-before date with that of use-by date.

This must be achieved primarily through increased involvement in school classes of all ages. In addition, annual campaigns on the International Day of Awareness of Food Loss and Waste on 29 September need to remind consumers of the issue and solutions through a large media presence.

Raising awareness about food waste is also supported by 84% of respondents to the ILRES 2022 survey.¹³

For us, this includes raising awareness against the strong standardisation of food in the trade.

5. Advocating at EU level for the **abolition** of the **best-before date**

We demand the abolition of the best-before date on more or all product groups. Many products, such as pasta, oil and tea, have a very long shelf life when stored correctly. Products that are already exempt from EU law, such as table salt, sugar and vinegar¹⁴, are nevertheless often given a best-before date by the manufacturer.

⁹ Website of *Antigaspi*: <https://antigaspi.lu/>

¹⁰ Study "Aufkommen, Behandlung und Vermeidung von Lebensmittelabfällen im Großherzogtum Luxemburg":

https://environnement.public.lu/dam-assets/documents/offall_a_ressourcen/gaspillage-alimentaire/studie-lebensmittelabfaelle.pdf

¹¹ ILRES survey on food waste in Luxembourg, September 2022:

<https://antigaspi.lu/activities/antigaspi-emfro/>

¹² see previous footnote

¹³ see footnote 11

¹⁴ "Verordnung des Bundesministers für Gesundheit, Sport und Konsumentenschutz über die Kennzeichnung von verpackten Lebensmitteln."

https://cdn.netletter.at/imkerbund/media/download/2015.09.08/1441702709460210.pdf?d=LM_Kennzeichnung_VO&dc=1441702709

The fact that the best-before date has little to do with the actual time of expiry of the products is confirmed, among other things, in a study commissioned by Greenpeace Magazine¹⁵. The existence of two dates also contributes significantly to the confusion. In the ILRES survey¹⁶ 2022, 75% of the respondents confused the best-before date and the use-by date.

In addition, an EU-wide standardisation of the application of both dates would contribute to the harmonisation of the currently different applications of food producers.

6. Introduction of **public monitoring** of food loss and waste for all food establishments

We demand the introduction of clear definitions as well as an obligation to record and document food loss and waste, in which all discards in agriculture, industry, trade and gastronomy are collected. This must also include food that is not harvested and food that is harvested but never leaves the farm.

For monitoring, the data, as well as their greenhouse gas equivalent, must be transparent and made available for research and customers.

Based on the data obtained, future measures can be evaluated more systematically and quickly to ascertain their effectiveness.

Mandatory monitoring is also recommended by the EU Platform on Food Loss and Waste.¹⁷

7. **Financial support** for food-saving projects

We demand financial support for all initiatives and associations that aim to reduce food loss or waste. Here, the food waste hierarchy should be applied again, and prevention should take precedence over other uses.¹⁸

¹⁵ Last article in the series on food shelf life by Greenpeace Magazine, in German: <https://www.greenpeace-magazin.de/lesecke/das-haelt-sich-ja-ewig>

¹⁶ ILRES survey on food waste in Luxembourg, September 2022: <https://antigaspi.lu/activities/antigaspi-emfro/>

¹⁷ "Recommendations for Action in Food Waste Prevention - Developed by the EU Platform on Food Losses and Food Waste", 2019, Seiten 7, 12 und 17: https://food.ec.europa.eu/system/files_de?file=2021-05/fs_eu-actions_action_platform_key-rcmnd_en.pdf

¹⁸ see footnote 4

- Farms need to be supported in reducing their food losses. This includes research and direct involvement in innovative product developments, but also the creation of markets for rescued food. This is also recommended by the EU Platform on Food Loss and Waste.¹⁹
- Innovative start-ups in this area need to be supported, e.g. retailers specialising in food from overproduction or unusual-looking vegetables. For this purpose, a separate financial pot must be made available, e.g. for start-ups.
- The development of new products based on food waste must also be financially supported for small and medium-sized enterprises so that they can make their processes more efficient and cost-effective. This is also recommended by the EU Platform on Food Loss and Waste.²⁰
- Voluntary initiatives and associations must be supported so that they can create enough jobs according to their size for the compliance with food hygiene standards, which entails considerable bureaucratic effort.

In addition, 62% of respondents to the ILRES 2022 survey²¹ agreed that digital technologies can help reduce food waste.

8. Introduction of a **legally binding target** to reduce food waste

We call for a legally binding target to **reduce food loss and waste by 50% by 2030 in all stages of production** to enshrine in law Luxembourg's commitment to Sustainable Development Goal (SDG) 12.3 and thus provide the necessary resources for this change.

Sector-specific and binding targets must be set for the gradual reduction of food waste throughout the value chain.

¹⁹ "Recommendations for Action in Food Waste Prevention - Developed by the EU Platform on Food Losses and Food Waste", 2019, Seite 11:
https://food.ec.europa.eu/system/files_de?file=2021-05/fs_eu-actions_action_platform_key-rcmnd_en.pdf

²⁰ "Recommendations for Action in Food Waste Prevention - Developed by the EU Platform on Food Losses and Food Waste", 2019, Seite 13:
https://food.ec.europa.eu/system/files_de?file=2021-05/fs_eu-actions_action_platform_key-rcmnd_en.pdf

²¹ ILRES survey on food waste in Luxembourg, September 2022:
<https://antigaspi.lu/activities/antigaspi-emfro/>

We support the 2019 recommendation of the EU Platform on Food Loss and Waste that the EU sets a target to reduce food waste by 50% by 2030²². 2022 NGO Feedback EU has called for this again²³. Luxembourg should introduce this recommendation nationally and be considered a pioneer.

For example, an obligation for catering establishments and canteens to implement at least two measures from the following catalogue of simple practices:

- Incentivise pre-orders through discounts
- Offer different dish sizes
- Offer samples of the dishes
- Remove all-you-can-eat offer
- Specify greenhouse gases of each dish

9. Integrating the reduction of food loss and waste into **climate protection** measures

As reducing food loss and waste is essential for mitigating the climate crisis, reducing food loss and waste must be integrated into climate protection programmes. This is also recommended by the EU Platform on Food Loss and Waste²⁴ and is visible in the proposals of the Luxembourg Climate Citizens Council²⁵.

version 19.02.2023

²² "Recommendations for Action in Food Waste Prevention - Developed by the EU Platform on Food Losses and Food Waste", 2019, Seite 6:
https://food.ec.europa.eu/system/files_de?file=2021-05/fs_eu-actions_action_platform_key-rcmnd_en.pdf

²³ Report "No Time to Waste - Why the EU needs to adopt ambitious legally binding food waste reduction targets":
<https://feedbackglobal.org/wp-content/uploads/2022/09/Feedback-EU-2022-No-Time-To-Waste-report.pdf>

²⁴ "Recommendations for Action in Food Waste Prevention - Developed by the EU Platform on Food Losses and Food Waste", 2019, Seite 6:
https://food.ec.europa.eu/system/files_de?file=2021-05/fs_eu-actions_action_platform_key-rcmnd_en.pdf

²⁵ Demands against food waste in the final report of the Luxembourgish Climate Citizens Council, 2022, pages 18 to 19:
https://www.klima-biergerrot.lu/files/ugd/dcac1d_5bb495b5584b4618815bb5fd8d9ad66d.pdf

Further recommendations for implementation

In particular, the detailed document "Recommendations for Action in Food Waste Prevention - Developed by the EU Platform on Food Losses and Food Waste" of 12 December 2019 should be noted:

[https://food.ec.europa.eu/system/files_de?file=2021-05/fs_eu-actions_action_platform_key-rcmnd_en.pdf](https://food.ec.europa.eu/system/files/de?file=2021-05/fs_eu-actions_action_platform_key-rcmnd_en.pdf)