

# RocaJunyent Informs

Litigation, Arbitration and Mediation Department

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## Update on the Prevention of Food Loss and Food Waste Bill



The Bill on the Prevention of Food Losses and Waste has been dealt with as an ordinary law by the Agriculture, Fisheries and Food Commission of the Congress of Deputies. It is currently in the report phase.

The food industry is now characterised not only by problems of food loss and waste, but also involves considerable use of resources for its production.

The main objectives of the law are: to promote the circular bioeconomy, to structure a more efficient management of resources and to raise awareness and inform both food chain actors and consumers. It also aims to establish structural amendments in the food processing, transformation and supply chain to ensure that the objectives are rigorously met.

The law consists of 19 articles structured in six chapters:

Chapter I is dedicated to the general provisions, where the purpose and scope of the law is established. The main objective is to prevent and reduce food losses, mainly

for free distribution to the needy. The scope of application covers all activities carried out by the actors in the chain, both production and distribution.

Chapter II regulates the obligations of the actors in the food supply chain, establishing both general and specific obligations for the actors involved, as well as the minimum content of contracts or donation agreements.

Therefore, these actors must apply the hierarchy of priorities and measures to reduce food waste, as well as collaborate with administrations to quantify waste. They must also have a plan in place to ensure both compliance with all these obligations and the prevention of food losses and waste. In addition, they must make agreements to donate surpluses to companies, social organisations and food banks. No contractual stipulation can prevent the donation of food as it will be considered null and void.

With regard to donations, operators must conclude surplus donation agreements with social entities and food banks, specifying the conditions of collection, transport and storage, and allowing the receiving organisations to refuse the donation in a justified manner.

Hotel and catering businesses should allow consumers to take away uneaten food at no additional cost, except in specific cases, such as at buffets. They should inform consumers of this possibility, and such food should be delivered in food-safe packaging.

Non-profit organisations that distribute donated food must comply with hygiene regulations, guarantee the traceability of the products by means of registers, and use this food for disadvantaged people, prohibiting its commercialisation.

Also, public administrations should collaborate with the actors in the food chain and develop awareness campaigns, provide guidelines and plans, educate consumers and support organisations in food redistribution.

Chapter III sets out recommendations for public administrations, retailers and the catering sector, based on a set of good practice measures. These include encouraging the donation of food for social purposes and consumer education to reduce food waste.

Companies must have adequate infrastructures and specific protocols to optimise handling, storage and transport, as well as promoting the sale of products close to their expiry date. The hospitality sector should apply sustainable purchasing criteria, offer flexible menus, encourage food donations and manage food waste through composting, following waste regulations.

Chapter IV focuses on the rationalisation of best-before dates to contribute to the prevention and reduction of food losses. In this way, a mandate is established to encourage the alignment of best-before dates.

Chapter V sets out a series of tools to reduce these problems, including a strategic plan detailing waste policy, guidelines for regional programmes and minimum targets to be met.

The aim is to create a National Plan to control these losses, reviewed every four years, which will include priorities and an annual report on its implementation. Effective coordination between the different administrations should be carried out to guarantee adequate control and collaborative support so that the Ministry of Agriculture, Fisheries and Food can draw up an annual report based on information from the regional administrations on the implementation of the National Plan.

Finally, Chapter VI of this law sets out the system of penalties. It defines the offences and details the basic penalties in this area, so as to ensure a wide margin for the regional regulations to decide what their system of offences and penalties should be. These infringements range from 2,000 euros to 500,000 euros, depending on the level of seriousness of the sanction. These will be compatible with other civil, criminal or other types of liability that may arise.

This regulation represents a significant step in the fight against food waste. It establishes obligations and recommendations for all actors in the food chain and poses a challenge for businesses, which will have to adapt to the new requirements. It is essential to closely monitor its evolution and the impact it will have on the market, both in terms of sustainability and business competitiveness.