

# **A Legal Approach to Food Waste: Critical Analysis of The European Union's Regulation on Food Waste**

Laura Salamero-Teixidó

*Public Law Department, University of Lleida, Lleida, 25001, Spain*

## **Abstract**

The European Union (EU) has been for years implementing strategies in relation to food losses and waste but only recently has adopted a legal act regulating this matter. As part of the First Circular Economy Action Plan, the Waste Framework Directive (WFD) was amended in 2018 to include, amongst others, a few but very significant regulations on food waste. The main novelties of the WFD in relation to food waste can be classified in two categories. On the one hand, the Directive foresees a new legal concept of "food waste," which is based on two preexisting concepts in EU law: "food," foreseen in the General Food Law Regulation, and "waste," foreseen in the same WFD. The construction of the concept of "food waste" may pose a number of challenges to the Member States and private operators. On the other hand, the Directive imposes a number of obligations on the Member States. Three types of obligations might be identified: (a) Member States are obliged to measure and account for the reduction of food waste; (b) Member States are also obliged to prevent food waste, following different strategies suggested by the legal text, such as donation, and by adopting prevention programs specifically addressed to tackle food waste; and (c) Member States are obliged to separately collect and recycle bio-waste, a concept that also includes certain types of food waste. The deadline to transpose the new provisions ran out on July 5, 2020, and some on December 31, 2023. My contribution to the RETASTE congress is aimed at presenting the European Union's new food waste regulations from a critical perspective, considering that currently Member States find themselves in the process of transposing the aforementioned food waste provisions from the WFD into their national legal systems. Furthermore, a new Circular Economy Action Plan is already on the table, along with the Farm to Fork Strategy, in which new horizons are set in relation to food waste within the brand new European Green Deal.

**Keywords:** Food Waste, Circular Economy, From Farm to Fork Strategy, European Green Deal