

Brussels, March 2025

# Introduction of a charitable food business operator under European food law

## The position of FEBA and its members

*In this position paper, the European Food Banks Federation (FEBA) highlights its position towards the [AOB during the AGRIFISH Council](#) in December 2024 to introduce charitable food business operator under European food law.*

Food Banks as legal entities and their activities across the European Union are subject to a diverse set of national legislations. Although FEBA is in favour of harmonization and integration across the Union, more in-depth stakeholder consultations would be needed in order to assess the feasibility of this proposal.

European legislation in many cases facilitated the removal of barriers for food donation for instance through [Commission Regulation \(EU\) 2021/382](#) allowing the donation of food after the Best-Before-Date under certain conditions and [Commission Delegated Regulation \(EU\) 2021/1374](#) allowing for the freezing of meat at retail under certain conditions. Member States for instance in France or Italy set the precedent for even more ambitious and very advanced food donation standards helping Food Banks in recovering surplus and as well as incentivising businesses through tax reliefs.

After thorough discussions with the membership, the following conclusions were reached:

- Many Food Banks pointed out the principle of subsidiarity and the flexibility at national level which helps them in their collaboration with their ministries while using the [EU Food Donation Guidelines](#) for their work.
- In many EU countries, Food Banks are not operating as Food Business but adhere to the rules and regulations of Food Businesses, such as food safety regulations. The need for a new category in which they operate, might therefore not be relevant for them.
- Food Banks fear that the administrative burden with the introduction of such a new category would increase and make their daily activities more difficult. Food Banks rely largely on the support of volunteers to carry out their work.

However, the Food Banks in our network also pointed out that the [legal expert opinion commissioned in Germany](#) on the topic of barriers to food donation points out some important issues such as:

1. A portion of prepacked food can be labelled with just a food donation label apart from allergen information

2. Labelling errors that refer to misinformation and not food safety should be redistributed

Our member in Germany, Tafel Deutschland e.V. published their [position](#) on the legal expert opinion and the introduction of Charitable Food Business Operator. Tafel Deutschland welcomed many of the conclusions and recommendations of the proposal and emphasized the need for action not only at EU level but also in the national context, prioritizing the removal of barriers to food donation in Germany.

FEBA therefore recommends and urges Member States to make use of the principle of subsidiarity and the flexibilities as well as clear indications given by EU legislation, such as food donation after the Best-Before-Date or other food donation practices, to reduce food waste and help people in need. In addition to that, FEBA emphasizes the need to consider the [provisional agreement on the Revision of the Waste Framework Directive](#), and to take action in order to reach the targets of food waste reduction in the national context. The Directive clearly prioritizes redistribution for human consumption in line with the food waste hierarchy.

FEBA believes that further research, investigation and stakeholder consultations in the EU-27 Member States are necessary in order to examine whether a European Union wide concept of Charitable Food Businesses is applicable.