



Food redistribution in the EU: translation of  
*Belgium circular letter regarding the  
provisions applying to food banks and  
charities*



**Saving Food Together**

## **DISCLAIMER**

This document constitutes an English translation of the “Circulaire relative aux dispositions applicables aux banques alimentaires et associations caritatives” of Belgium, originally drafted, published and authenticated in French. For legal purposes, only the authentic Belgium text of the “Circular letter regarding the provisions applying to food banks and charities” shall be used. Whilst every effort was made to provide accurate information, the European Commission cannot take responsibility for any errors.



## Circular letter regarding the provisions applying to food banks and charities

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### 1. Purpose

This circular sets out guidelines for understanding the use by dates, traceability, labelling and freezing of pre-packaged food. These guidelines are intended specifically for food banks and charities. This initiative has been taken within the framework of a social and sustainable policy on food safety aimed at providing maximum protection for consumers and reducing food wastage.

### 2. Scope

This document applies to all food distributed by food banks and charities.

### 3. References

#### 3.1 Legislation

Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.

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.

Law of 24 January 1977 on the protection of consumer health with respect to foodstuffs and other products.

Royal Decree of 3 January 1975 on foodstuffs and food substances declared to be harmful.

Royal Decree of 14 November 2003 on self-checking, obligatory notification and traceability in the food chain.

Ministerial Decree of 22 March 2013 on the relaxation of measures for the implementation of self-checking and traceability of certain establishments in the food chain.

### **3.2 Other**

Circular letter regarding expiration dates (Ref: PCCB/S3/802859).

Advice 05-2015 of the Scientific Committee: Evaluation of the risks of freezing pre-packaged foodstuffs on their use by date (SciCom file 2014/28).

## **4. Definitions and abbreviations**

Food banks: charitable organisations that collect foodstuffs to distribute to charities.

Charities: non-profit, organisations pursuing a humanitarian objective which supply foodstuffs to people in need as part of a scheme aimed at providing food aid and combating poverty.

[For your information: 'charities' also include social restaurants, non-profit grocery stores, and so forth]

Use by date: the use by date refers to the safety of the foodstuffs and can be found on the label of foodstuffs that are highly perishable. Once the date has passed, the foodstuffs can no longer be distributed nor consumed due to the potential risk to consumer health.

Date of minimum durability: the date of minimum durability (or BBE - best before end/best before date) mainly refers to the quality of the foodstuffs and can be found on the label of foodstuffs that are less susceptible to microbiological contamination and thus pose less of a risk to consumer health. Up until this date, the manufacturer guarantees the safety and quality of the foodstuffs. After this date, the quality of the foodstuffs can no longer be guaranteed. However, this does not necessarily mean they pose a risk to public health.

Pre-packaged food: a sales unit intended to be sold as such to the end consumer and to mass caterers, consisting of a foodstuff and the packaging into which it was put before being offered for sale, whether such packaging encloses the foodstuff completely or only partially, but in any case in such a way that the contents cannot be altered without opening or changing the packaging.

## 5. Distribution of foodstuffs by food banks and charities

### a) Guidelines for understanding use by dates

Foodstuffs that have reached or passed their **best-before date** can, in some cases, still be provided to the consumer without posing the slightest risk to public health.

A non-restrictive list of foodstuffs that can be used by food banks and charities is provided below, as a guideline for assessing how to preserve foodstuffs once it has reached or passed its date of minimum durability. The listed foodstuffs are divided into four categories, ranging from foodstuffs with a *very long shelf life*, to those with a *short shelf life*. The last column contains an estimation of the time window within which the foodstuff remains fit for distribution by food banks and charities once it has exceeded its date of minimum durability. However, the time window is purely indicative and a case-by-case assessment is always required. If there is reason to suspect that a foodstuff may have become unfit for consumption, under no circumstances can it be distributed. Moreover, observance of cold chain requirements and storage conditions, as well as undamaged packaging, must always be guaranteed.

Foodstuffs bearing a **use by date** may under no circumstances still be accepted or distributed after said date, given that such foodstuffs are highly perishable and likely to pose a risk to public health once the date has passed. Foodstuffs that have exceeded their use by date are to be declared as harmful, in accordance with the Belgian Royal Decree of 3 January 1975.

Further details regarding the two-abovementioned types of expiry date can be found in the circular letter of 23/12/2011 regarding expiration dates (reference N° PCCB/S3/802859)

<http://www.favv-afscab.be/levensmiddelen/omzendbrieven/default.asp>.

### b) Traceability guidelines

Traceability is essential in order for the necessary measures to be taken swiftly in the event of a crisis. The relevant legislation contains detailed provisions on this subject. This means, of course, that companies must make the required efforts.

To avoid a decrease in supplies for food banks and charities as a result of administrative constraints, the decision was taken to relax the applicable traceability regulations, without compromising food safety. Given that this concerns the far end of the food chain and that the foodstuffs in question have already been fully identified and labelled for the purposes of consumption, the goods can quickly be withdrawn from the market or called back if need be.

For deliveries to charities and food banks, a list of the charities and food banks supplied can be used instead of an outgoing goods log.

As regards the charities and food banks themselves, a list of the establishments where the goods originated can be used instead of an incoming goods log.

#### c) Labelling guidelines

Everyone is entitled to comprehensive information on the foodstuffs he/she consumes. Failure to provide the relevant information, for example concerning allergens, can pose a real health risk to susceptible people.

For all pre-packaged foodstuffs intended for the final consumer, all of the information provided in Article 9 of Regulation (EU) No 1169/2011 on the provision of food information to consumers must be available in the language of the language area within which the food is distributed (Belgian Law of 24/01/1977).

If pre-packaged foodstuffs are nonetheless delivered to food banks or charities without the required labelling, the right labelling must be provided before the foodstuffs are distributed to the consumer. The minimum information that must appear on each package intended for the consumer and distributed by a food bank or charity is as follows:

- the name under which the foodstuff is sold;
- the expiry dates of all of the foodstuffs except those specified in Annex X of Regulation (EU) No 1169/2011 and in accordance with the procedures laid down in said Annex;
- the name and address (street name, house number, postcode and municipality) of the food bank or charity that is distributing the food.

Furthermore, all of the information that should appear on the label in accordance with Article 9 of Regulation (EU) No 1169/2011 must be in a location that is clearly visible to the consumer, in the immediate vicinity of the foodstuffs, and at the very least be written in the language of the language area in which the food bank or charity is located.

As regards the packaging of foodstuffs that are not intended for the consumer, but instead distributed to social restaurants, for example, in order to be processed there, all of the compulsory information set out in Article 9 of Regulation (EU) No 1169/2011 can simply be provided by the food bank or charity any way they wish (e.g. via the accompanying document). In this case labelling on individual packaging is not a requirement.

#### d) Freezing guidelines

Freezing of pre-packaged foodstuffs to be kept refrigerated (e.g. prepared meats, fresh meat or fish, etc.) by food banks or charities is permitted provided that:

- the foodstuffs are frozen no later than the use by date;
- the cold chain is never interrupted, especially during collection and transportation; This implies that collection and transportation times must be kept to a minimum, in particular during high weather temperatures. Ideally, refrigerated vehicles should be used and at the very least, the foodstuffs must be placed in a cool box;
- the temperature of the foodstuffs is checked randomly upon reception of the food. The temperature recommendations set out in the Belgian Royal Decree of 13 July 2014 on food hygiene apply

(<http://www.afsca.be/wetgeving/hygiene/levensmiddelen/>);

- the date of freezing is included on the packaging;
- the sentence “to be consumed immediately after defrosting” is included on the label;
- the foodstuffs are distributed no later than 2 months after freezing;
- the foodstuffs were frozen at least 48 hours prior to distribution.

Freezing must take place in the appropriate appliances with sufficient capacity and it is necessary to ensure that the foodstuffs placed in the freezer to be frozen do not account for more than 50% of the free space in the freezer, and that foodstuffs that weigh in excess of 500g are not stacked.

Pre-packaged foodstuffs to be kept refrigerated, intended for food banks or charities, may also be frozen in shops provided that all of the abovementioned conditions are fulfilled and that the foodstuffs intended for food banks or charities can be clearly distinguished from other foodstuffs.

## 6. Annexes

Non-exhaustive list of foodstuffs that may be used by food banks and charities, intended as a guideline for assessing how to preserve foodstuffs once it has reached or passed its date of minimum durability.

The storage conditions (mainly the storage temperature) written on the label must always be observed, especially in the case of refrigerated or frozen foodstuffs.			
Foodstuff	Description	Characteristics of spoiled foodstuff	Directives on storage
Very long shelf life			
Salt, sugar, flour		Does not spoil if kept dry. May develop a musty taste after a very long period. Also watch out for hardening, the absorption of humidity, the presence of insects, mites, rancidity and mould, etc.	Up to one year (if not more) after the date of minimum durability, provided that the foodstuff still bears its characteristic qualities and that the foodstuff and its packaging are free from any defects.
dry pasta	macaroni, spaghetti, etc.		
couscous, semolina			
coffee, tea			
rice			
instant powder (low in fat)	coffee, mixed spices, pudding		
water, refreshing beverages and long-life/UHT drinks (such as milk and fruit juices)		Taste deterioration, alteration in colour (see enzymatic browning).	

preserved foods (in a can/glass jar)	vegetables, fruit, soup, meat, fish, condensed milk, jam, etc.	Oxidation of the can/lids. Gas formation (bulging can), alteration in colour or smell.	Store at the indicated temperature (-18°C or less)
syrup, molasses, honey		Saccharification.	
sweets (hard)	lollipops, sour sweets		
Deep-frozen foodstuffs		Drying, rancidity of fats.	
Long shelf life			
dry biscuits		Musty taste, presence of mites/insects, loss or alteration of taste,	Up to two years (if not more) after the date of minimum durability, provided that the foodstuff still bears
muesli, breakfast cereals, cornflakes			



		drying, change in texture.	its characteristic qualities and that the foodstuff and its packaging are free from any defects.
toppings (peanut butter, chocolate vermicelli, sandwich spreads)		Rancidity of fats, alteration in smell or colour, oxidation, mould, presence of insects.	
crisps, salty crackers, peanuts			
oil, frying fat			
instant powder (high in fat)	soup, powdered milk		
margarine, butter			
hard cheeses	E.g. Gouda, Emmental, Parmesan		
sweets (soft)	with a filling, chocolate, liquorice		
sauces	E.g. Sauce for chips, mayonnaise, ketchup,		
bottled sterilised milk and dairy products		Alteration or loss of taste.	

Limited shelf life			
bread, pre-cooked bread		Musty taste, mould, rancidity of fats, presence of insects.	Respect the date of minimum durability. There may be exceptions but a proper evaluation is required! Fresh bread can be frozen, and preferably eaten within 2 to 3 weeks.
soft cheeses			
cake, filled biscuits, soft biscuits			
semi-preserved foodstuffs (herrings, mussels, etc.)	Refrigeration required.	Fermentation.	Respect the storage temperature for frozen foodstuffs, i.e. -18°C or less.
Short shelf life			
fresh meat, chicken, fish, prepared meats	These foodstuffs often have a use by date and refrigeration is almost always necessary (at less than 7°C). Some foodstuffs (e.g. fish) even have to be refrigerated at less than 4°C or even lower.	Bacterial growth (possibly mould) and food spoilage.	NEVER accept or distribute such foodstuffs after the use by date/date of minimum durability. The consumer must still be able to consume the product on its use by date/date of minimum durability, at the latest. It is of utmost importance that the cold chain be fully respected (storage, transportation, distribution). If this cannot be guaranteed, DO NOT distribute the food!
pastries and cakes			
refrigerated meals, salads			
fresh pressed fruit juice			
eggs			
dairy desserts			
yoghurt			
fresh chopped fruit and vegetables			

## 7. Overview of revisions

List of circular revisions		
Version	Implementation date	Reason for and scope of the revision
1.0	02/08/2013	Original version
2.0	22/07/2015	Advice 05-2015 of the Scientific Committee
3.0	08/02/2017	Relaxation of labelling requirements
4.0	Publication date	Relaxation of freezing requirements