



# National legislative developments regarding food donation and the impacts on BA's activity

08/11/2022 Greta Caglioti



# Law n. 166, 30th August 2016 (Gadda Law)

**Provisions concerning the donation and distribution of food and pharmaceutical products for purposes of social solidarity and to limit waste**

*SERIE GENERALE*

*Spediz. abb. post. - art. 1, comma 1  
Legge 27-02-2004, n. 46 - Filiale di Roma*

Anno 157° - Numero 202

**GAZZETTA UFFICIALE**  
  
**DELLA REPUBBLICA ITALIANA**

*PARTE PRIMA*

Roma - Martedì, 30 agosto 2016

SI PUBBLICA TUTTI I  
GIORNI NON FESTIVI

# Provisions prior to Law 166/2016



- ❖ **Law 460/1997 (art. 13.2):** donations were no longer considered “non-business activities” and were assimilated to landfill destruction, benefiting of the same tax reliefs
- ❖ **Law 133/1999 (art. 6.15):** the business that donates surplus food is entitled to deduct the VAT
- ❖ **Law 155/2003 (Good Samaritan Law):** Equalisation of Non-Profit Organisations with the final consumer - donors are relieved of “pathway responsibility”, clear passages on food safety liability
- ❖ **Law 147/2013 (art. 1.236-237):** in order to ensure health and hygiene safety, Receiving Organisations must have Manual of good practices, according to Reg. EC 852/2004

# Purpose



- The law **systematised, updated and simplified** existing provisions into a single regulatory framework specifically dedicated to **limiting food waste** (at every stage of the supply chain) and other products **for social solidarity purposes**, primarily **for human use** (Art. 1)

Guiding principles: **subsidiarity** and **solidarity** as well as **freedom** to choose to donate

- Priority objectives:
  - recovery of surpluses for social solidarity purposes
  - limitation of negative impacts on the environment and reducing the amount of biodegradable waste going to landfill
  - contribute to research, information and awareness-raising activities among consumers and institutions

# Definitions

- a) Food Business Operators
- b) Receiving Subjects
- c) Surplus Food
- d) Food Waste
- e) Donation
- f) best before
- g) use by date



# Simplification measures for the free transfer of food for social solidarity purposes and limiting food waste



- the **modalities** are established (free of charge and for the most deprived) (art. 3)
- a **hierarchy** is established for the use of surpluses (according to the food and drink hierarchy) (art. 3)
- surplus food may be further **processed** into products intended primarily for human consumption or animal life support (art. 4)
- requirements and storage of surpluses are established (Law 147/2003 according to art. 8 of EC Regulation 852/2004) - Receiving Subjects are provided with a [Manual of Good Practices](#) (art. 5 and 7)
- the free transfer of **confiscated goods** to private non-profit organizations (art. 6)

- Recognition, integration and extension of the **permanent coordination round table** (Mipaaf, 2012) (art. 8)
- the public media services must promote behaviors and measures to reduce waste, as well as national campaigns to communicate the data collected (art. 9)
- in the catering sector, the take-away of customers' leftovers is promoted (art. 9)
- the Ministry of Education, Universities and Research promotes food educational courses at school institutions (art. 9)
- issuing by the Ministry of Health of guidelines for school, community and social canteen operators to prevent and reduce food-related waste (art. 10)
- refinancing of the **Fund for the distribution of foodstuffs** to the most deprived (FN) and establishment of a **fund** under the Mipaaf to finance **innovative projects** to limit waste and use surpluses (art. 11)



# Further measures to encourage the free transfer of food and other products for social solidarity purposes

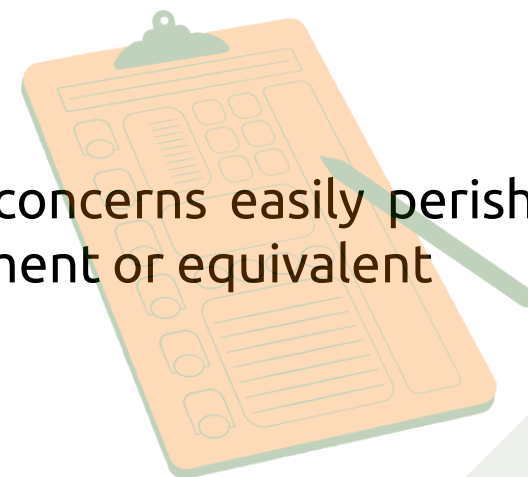
- Extension of the Receiving Subjects of surpluses and products recoverable (pharmaceutical products and others) (art. 13)
- Provisions encouraging the donation of unused medicines to non-profit organisations (specific provisions) (art. 15)
- Municipalities have the option of applying a **reduction coefficient on the waste tax** to businesses that donate foodstuffs to the most deprived (directly or not) or for animal feed (art. 17)



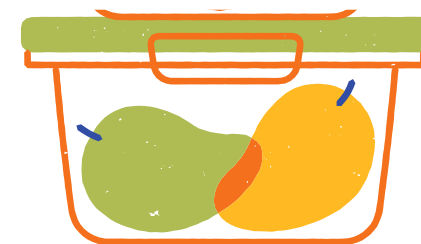


# Amendments in the 2018 budget law

- The **basket** of goods that can be donated is **extended** (medicines, medical items, personal and household care products and stationery)
- relevant tax benefits for donations are extended to **all third-sector** entities that will register in the single national register to be set up, including cooperatives and social enterprises
- tax rules are made clearer and more homogeneous
- if the free supply is (in total) less than 15,000 euro or if it concerns easily perishable surplus foodstuffs, it can only be certified by a transport document or equivalent



# Outcomes



- The Mipaaf with the CREA, in 2017 set up an “**observatory on food surpluses, recoveries and waste**” to receive technical-scientific support (collection and updating of data on food waste and surpluses every six months)
- In 2018, the Ministry of Health drafted **guidelines** to reduce food waste in the **catering** sector
- Several local authorities have been involved in projects with restaurants associations to use **doggy bags**
- Communication campaigns at national level have been fostering a **new culture** to limit domestic waste
- Several municipalities are applying a **reduction of waste tax** for companies that decide to donate surplus food

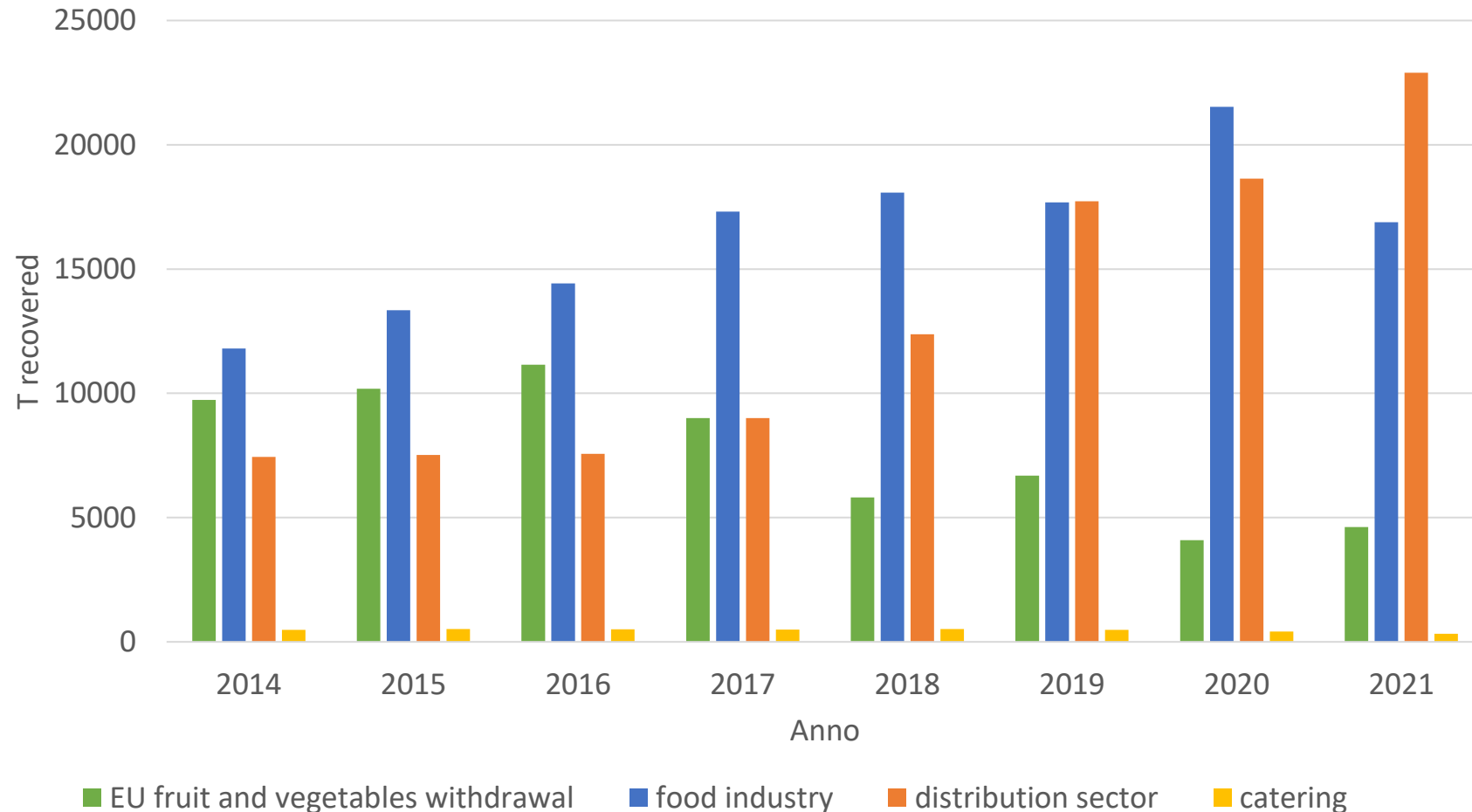
# Impact on Banco Alimentare's activity

Qualitative and quantitative increase in the tonnes recovered, especially via Siticibo GDO (2019/2018 + 57%)

- new product types - **fresh and very perishable products**
- **new sources:** events, congresses, cruises.
- from 2019 recovery of fish confiscated by the security authorities (tuna and swordfish).



# Trend of food surplus recovery by supply channel





# Thanks for your attention

**LET'S KEEP IN TOUCH!**

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