



Circular letter on food donations

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1. Purpose

The purpose of the circular letter is to provide clarification on various food safety aspects associated with food donation (determining suitability of food for donation, freezing food intended for donation, transport and receipt of donated food, labelling of donated food, etc.). The circular letter also clarifies the traceability of donated food.

Primarily, this circular letter frames a social and sustainable food safety policy for food aid and poverty alleviation and emphasises maximum consumer protection. After all, all consumers should be equally protected by food safety standards, regardless of whether the food is sold to consumers or redistributed to the needy by front-line and back-line organisations (*'No two-tier food safety system'*). In addition, donations can also help in the fight against food loss and food waste.

This circular letter replaces the circular letter regarding the provisions applicable to food banks and charities (PCCB/S3/CDP/1092228).

2. Scope

This document applies to all food (pre-packaged, non-pre-packaged, prepared food, etc.) donated by operators (e.g. supermarkets, restaurants and food companies) to front-line or back-line organisations and subsequently redistributed.

3. References

3.1 Legislation

Royal Decree of 3 January 1975 on foodstuffs and nutrients deemed harmful.

The Law of 24 January 1977 on the protection of consumer health in regard to foodstuffs and other products.

Royal Decree of 5 December 1990 on frozen foods¹.

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.

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

Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on food hygiene.

Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin.

Royal Decree of 16 January 2006 laying down the details of the approvals, authorisations and prior registrations issued by the FASFC.

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.

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

Royal Decree of 13 July 2014 on food hygiene².

Royal Decree of 17 July 2014 establishing provisions for the declaration of certain substances or products causing allergies or intolerances as regards non-pre-packaged foods.

3.2 Other³

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

Circular letter on allergen information (PCCB/S3/1249145).

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

¹ This RD defines, among other things, the legal storage temperature for frozen products.

² This RD includes the legal storage temperatures for food to be refrigerated.

³ Circulars and opinions of the Scientific Committee are published on the FASFC website: www.fasfc.be > Professionals > Foodstuffs > Circulars; www.fasfc.be > Professionals > Scientific Committee > Opinions

Opinion 12-2019 of the Scientific Committee: Evaluation of the risks associated with extending the 2-month storage period of pre-packaged foodstuffs frozen at the use by date (SciCom 2019/02).

Commission Notice on EU guidelines on food donation (2017/C 361/01).

Commission Notice providing guidance on food safety management systems for food retail activities, including food donations (2020/C 199/01).

4. Definitions and abbreviations

Allergens: any ingredient or processing aid listed in Annex II to Regulation (EU) No 1169/2011 on the provision of food information to consumers, or derived from a substance or product listed in Annex II causing allergies or intolerances used in the manufacture or preparation of a food and still present in the finished product, even if in an altered form.

Donors: these are food business operators who donate food. They can come from any link in the food supply chain, particularly primary production, food processing and manufacturing, retail and other forms of distribution, as well as the mass catering and hospitality sector.

Donation: food redistribution in which food is collected and distributed to people in need in particular.

Front-line organisations: they receive donated food from back-line organisations and/or directly from actors in the food supply chain. They, in turn, provide these foodstuffs to their beneficiaries in various forms (e.g. food parcels, soup kitchens or meals provided in social restaurants/cafés). Some sell the foodstuffs to those in need at a subsidised price.

Recipients: they are involved in the redistribution of donated food and can be divided into front-line and back-line organisations, although there are some that perform both functions.

Operator: the (unpaid) natural person, enterprise (as known to the Crossroads Bank for Enterprises), or association, whether public or private, operating for profit or not, at any stage of the production, processing and distribution of a product.

Organoleptic: what is sensorially experienced (taste, smell, sight, etc.).

Back-line organisations: they recover donated foodstuffs from actors in the food supply chain. They are responsible for its transport, storage and redistribution to a network of qualified, charitable sister organisations, such as charities, social restaurants, social enterprises, etc.

5. Donation of foodstuffs

5.1 Food suitable for donation

Food chain operators may only obtain supplies from other operators known to the FASFC. This is a legal requirement⁴. This means that only foodstuffs from operators registered, authorised or approved by the FASFC may be collected and distributed. They are therefore not allowed to obtain supplies from private individuals (only possible in the case of open refrigerators - see section 7.1.c).

Only foodstuffs that are still fit for human consumption may be redistributed/donated. From the moment foodstuffs are considered harmful, these foodstuffs are no longer suitable for donation. They should be disposed of in a safe and legal manner (e.g. treated as food waste) (*"No two-tier food safety system"*). Foodstuffs considered harmful are defined by law⁵. These include, among others:

- foodstuffs whose smell or taste indicate degeneration or contamination;
- foodstuffs containing pathogenic microorganisms or toxins of microbial origin;
- foodstuffs for which the 'use by' date on the labelling is absent, has expired or has been changed;
- foodstuffs in metal containers when the tin is rusted, whose flat walls are convex, etc.;
- ...

It is forbidden to further distribute (sell, prepare, donate, deliver, etc.) food that is harmful.

The following types of food are eligible for food donation:

- a) pre-packaged food bearing an expiry date (UBD or BBD)

Most pre-packaged foodstuffs have expiration dates. The difference between a date of minimum durability (BBD, "best before ...") and a 'use by' date (UBD) as well as the use or sale after these dates are described in the circular letter on expiration dates⁶.

When donating food, care should be taken to ensure that the remaining shelf life is sufficiently long to allow safe redistribution and use by consumers. This requires clear agreements on the minimum remaining shelf life between the donor (e.g. a supermarket or manufacturer) and the recipient (e.g. a front-line organisation). The remaining shelf life of the food should be assessed both by the donor at the time of donation and by the front-line or back-line organisation upon receipt of the food. Foodstuffs that pose a risk to consumers may no longer be donated and may be refused by organisations upon receipt or collection.

Foodstuffs whose BBD has been exceeded can still be redistributed to consumers without risk to health in certain cases. The annex (see point 8) contains a non-exhaustive list of foodstuffs that can be used as a guide when assessing the shelf-life of foodstuffs where the BBD has been exceeded.

Checks must be made to ensure that the food is free of irregularities and still fit for human consumption. Subsequent checks may have to be carried out on a random basis:

- an organoleptic check (smell, taste, appearance such as colour, etc.) and a check that the foodstuffs are free from mould and rancidity,

⁴ Art. 2 of RD 16/01/2006 laying down the details of the approvals, authorisations and prior registrations issued by the FASFC.

⁵ RD 03/01/1975 on foodstuffs and nutrients deemed harmful.

⁶ A poster 'Use after the expiration date' can be found on the FASFC website: www.fasfc.be > Consumers > Daily life > Purchase > Expiration dates.

- check the integrity/completeness of the (immediate) packaging (e.g. there is no damage, the packaging has not been opened, there is no condensation visible on the packaging),
- check whether the storage requirements (e.g. dry storage) and the cold chain (e.g. freezing at -18°C) have been respected,
- verify that the food is/was not exposed to other significant food safety or health risks.

It is forbidden to make any change to the BBD as it appears on the original labelling. The BBD should remain visible at all times. That way, the donor, recipient or consumer can make their own judgement on the donation and/or consumption of the foodstuffs.

Donating foodstuffs whose BBD has been exceeded is at your own responsibility. This means that, for example, an operator (such as a manufacturer or a supermarket) that donates to a front-line or back-line organisation, a back-line organisation that redistributes to a front-line organisation, a front-line organisation that redistributes to the consumer, etc. bears responsibility for its link in the chain: from receipt of the foodstuffs with exceeded BBD (foodstuffs about which one has doubts may be refused upon receipt or removed afterwards) to donation (one may only donate foodstuffs that one judges to be still suitable - see points of attention above). Consumers, in turn, have the responsibility to assess for themselves the risks when consuming foodstuffs whose BBD has been exceeded.

Under no circumstances may foodstuffs whose UBD has been exceeded still be distributed, processed or consumed (unless they were frozen in a timely manner - see section 5.2)! These are foodstuffs that are highly perishable from a microbiological point of view (e.g. fresh meat, fresh fish or chilled ready-to-eat foods). After this date, these foodstuffs pose potential risks to consumer health and may be harmful. Donating food with an exceeded UBD is therefore prohibited.

It is forbidden to make any change to the UBD as it appears on the original labelling. The UBD should remain visible at all times.

- b) pre-packaged foodstuffs on which no date labelling is required (e.g. whole and fresh fruit and vegetables, wines and other beverages with an alcoholic strength by volume of 10% or more, certain bakers' wares, vinegar, cooking salt, solid sugar, confectionery products and chewing gum - see full list in Regulation 1169/2011)

Foodstuffs belonging to b) must be handled and stored appropriately and must be checked (including by organoleptic evaluation) to ensure that they are still fit for human consumption.

- c) non-pre-packaged food⁷ such as fresh fruit and vegetables and non-pre-packaged foodstuffs that may require wrapping or final packaging before donation, such as fresh meat, fresh fish, bakery products

Foodstuffs belonging to c) must be handled and stored appropriately and must be checked (checks on expiration dates, temperature, organoleptic properties, etc.) to ensure that they are still fit for human consumption.

- d) prepared food from the mass catering and hospitality sector

⁷Non-pre-packaged foodstuffs: food without prepackaging, food packaged on the sales premises at the consumer's request or food pre-packaged for direct sale (Regulation 1169/2011).

Prepared food can be donated from the mass catering and hospitality sector to front-line or back-line organisations (recipients) that will offer it quickly (possibly after reheating) for consumption on site (e.g. social restaurant, winter shelter or night shelter for the homeless).

For this, the mass catering and hospitality sector must meet at least the following conditions:

- The person in charge of the catering or industrial kitchen ensures that the prepared food has not left the kitchen or storage area at any time before the donation takes place. Food from buffets (with and without self-service) is never suitable for donation for hygiene reasons (except possibly pre-packaged food that has not left the buffet and has been kept there at a correct temperature at all times). Food (pre-packaged or otherwise) that has ended up on consumers' plates should never be donated.
- The shelf life of the prepared food is determined by the donor (mass catering and hospitality sector). Food is donated only if the shelf life is still sufficiently long so that the food can still be redistributed to those in need (or can still be frozen in time (see section 5.2)). This requires agreements between the donor and the recipient.
- The prepared food is stored and transported in containers suitable for it.
- If the mass catering and hospitality operator wishes to cool the prepared food before donation, the food must be cooled to below 10°C within 2 hours, and to the legal temperatures for refrigerated food within max 24 hours. The cooling process may not take place during transport.
- The cold or heat chain is respected at all times (e.g. during transport, during storage, during distribution):
 - Cold chain: the storage temperature stated on the label or the legally stipulated temperatures for refrigerated foodstuffs;
 - Heat chain: prepared food that is kept warm for quick presentation to the consumer (e.g. in a social restaurant) should be kept at a temperature of at least 60°C (e.g. in a hot container);

e) eggs

Class A eggs (i.e. "table eggs") carry a BBD. This date is set at 28 days after the laying date. The eggs may be sold at retail to consumers no later than 28 days after the laying date. Eggs older than 28 days may be donated, provided that the front-line or back-line organisation processes the eggs (with the necessary heat treatment to ensure safety: heated to the core, e.g. hard-boiled eggs, incorporating eggs into cakes/pastries that are still baked during preparation, etc.) before offering them to consumers.

Check whether foodstuffs are suitable for donation if they consist of multiple units:

Sometimes foodstuffs consist of multiple units, some of which are no longer fit for human consumption (e.g. a net of oranges in which one orange is mouldy, a package containing several yoghurt pots in which one has already been opened or a box of eggs in which one egg is broken). If, after examination of the food by the operator (e.g. organoleptic properties, storage and transport conditions), the other units are found to be safe, they can still be donated. For example, the net of oranges can be opened to separate the spoilt fruit from those that are fit for human consumption. This check should be made either by the donor or by the recipient of the donation (clear agreements will be needed between the two parties).

5.2 Freezing and storing frozen foodstuffs

For front-line and back-line organisations, it is not always possible to redistribute among other refrigerated foodstuffs (e.g. charcuterie, fresh meat, fresh fish) before the end of their shelf life. For donors (e.g. supermarket), it is not always possible to arrange donation before the end of shelf life.

Therefore, food can be frozen under certain conditions. Freezing of food intended for donation can be done by the donors or by front-line and back-line organisations. Donors must make a clear distinction between foodstuffs intended for donation and food intended for the conventional circuit (e.g. in another (area of the) freezer, in a sealed container (see section 5.4.4) clarifying that the foodstuffs are intended for front-line or back-line organisations, in another room).

Listed below are some minimum conditions that must be met when freezing food:

- Do not refreeze foodstuffs (e.g. meat or seafood) that have already been frozen and defrosted.
- Freezing should be carried out without delay/immediately/as soon as possible and no later than the expiry date (UBD).
- Foodstuffs should reach a core temperature of -18°C or lower as soon as possible. Therefore, freezing should be done in appropriate facilities with sufficient capacity. Stacking and foodstuffs with large volumes should be avoided to allow good air circulation in the freezer. This allows food to be frozen to the core as quickly as possible. Once the foodstuffs have reached a core temperature of -18°C , it is possible to stack more.
- Frozen foodstuffs should always be stored at -18°C or below. A brief upward fluctuation is permissible under certain conditions (such as during transport, ... provided it does not pose a health risk) but should not exceed 3°C .
- Food should be packed in suitable containers.
- The food is kept in the freezer for at least 48h before being redistributed to the consumer (to ensure a core temperature of -18°C).
- Frozen foodstuffs are distributed as quickly as possible. Guidelines for frozen shelf life after freezing on day of UBD:
 - 4 months for meat from ungulates and poultry,
 - 2 months for fish, ready-to-eat and other foodstuffs.
- Labelling: see section 5.4.4.

5.3 Transport and reception of foodstuffs

5.3.1 Transport

During food collection and transport, the cold chain (refrigerated foodstuffs, foodstuffs that have been frozen for donation, as well as frozen foods⁸) must never be interrupted. This means that the time for food collection and transport should be kept as short as possible, especially in high outdoor temperatures. The use of refrigerated vehicles is absolutely recommended. If a refrigerated vehicle is not available, food should at least be placed in a cool box with functioning cooling elements. Defrosting of foodstuffs must always be done in a controlled way and therefore cannot be done during transport.

During food collection and transport, the heat chain (e.g. donation of hot meals by the mass catering and hospitality sector to a social restaurant in e.g. a hot container) should never be interrupted. This means that the legal temperature of the food must be min. 60°C even during transport (e.g. by ensuring that the temperature is 10 degrees higher at the start of transport).

5.3.2 Reception

Entrance temperature control:

⁸ RD 5/12/1990 on frozen foodstuffs.

If the front-line or back-line organisation receives the food, the temperature of the food should be randomly checked. Here, the storage temperature on the label or the legal temperature requirements apply.

If food does not meet temperature requirements or frozen food shows signs of defrosting, the foodstuffs should:

- be refused upon receipt, or
- if this can be done without risk to health, processed immediately (e.g. preparation with heating step), or
- be destroyed in an appropriate manner.

After receipt, frozen foodstuffs that show signs of thawing on receipt should definitely not be refrozen. The foodstuffs should also not be defrosted further to be stored in the fridge for some time afterwards. In fact, thawed products should be consumed immediately (see section 5.4.4).

Continued entrance check:

Front-line and back-line organisations should carry out random entry checks on foodstuffs to assess, as far as possible, the hygiene, safety and quality of all foodstuffs received: condition of packaging, organoleptic properties, expiry date, freezing date (in case the foodstuffs have been frozen before the end of their shelf life to be donated (see section 5.4.4)), hygiene transporter and means of transport, etc.

Should there be reasons to believe that foodstuffs may no longer be fit for consumption, under no circumstances should they continue to be donated, used or distributed. They should be disposed of safely and legally (e.g. treated as food waste or animal by-products).

5.4 Labelling

Every consumer has the right to receive accurate food information about the foodstuffs they consume (*'No two-tier food safety system'*). The absence of certain particulars in labelling, such as allergen information for example, can pose a genuine danger to sensitive individuals.

5.4.1 Pre-packaged foodstuffs⁹

Pre-packaged foodstuffs intended for consumers as such must bear certain mandatory particulars according to legislation¹⁰. These may appear on the packaging or on a label attached to it and must be clearly visible, clearly legible and non-erasable¹¹.

Mandatory particulars must be listed at least in the language(s) of the linguistic territory¹² in which they are redistributed to consumers.

To ensure that consumers have all mandatory labelling information, the correct information will have to be passed through the chain.

In the case of pre-packaged foodstuffs that are redistributed to a front-line or back-line organisation that will promptly offer it, possibly after preparation or processing, for on-site consumption (e.g. social

⁹ Pre-packaged food means any single item for presentation as such to the final consumer and to mass caterers (= establishments such as restaurants that prepare food ready for consumption by the final consumer), consisting of a food and the packaging into which it was put before being offered for sale, whether such packaging encloses the food completely or only partially, but in any event in such a way that the contents cannot be altered without opening or changing the packaging; 'prepacked food' does not cover foods packed on the sales premises at the consumer's request or prepacked for direct sale (Regulation 1169/2011).

¹⁰ Art. 9 of Regulation 1169/2011 + Quick Start Files 'Label of a pre-packaged food product' (www.fasfc.be > Professionals > Self-checking > Guides > Quick Start Files)

¹¹ Art. 13 of Regulation 1169/2011

¹² Art. 8 of the Law of 24/01/1977

restaurant, winter shelter or night shelter for the homeless), all mandatory particulars must appear on the packaging, a label affixed to it or an accompanying document that accompanies the food at all times. All mandatory information must be formatted in the language(s) of the linguistic territory in which the food is redistributed.

5.4.1.1 Pre-packaged foodstuffs without the required labelling

Pre-packaged foodstuffs may be donated to back-line organisations without the required labelling (e.g. missing or incorrect particulars, particulars not in the legally required language). In this case, the operator responsible for providing the food information (e.g. manufacturer or importer) must pass on all necessary information to the back-line organisation so that it can, in turn, pass on all information to consumers or front-line organisations. In turn, front-line organisations can then provide the necessary food information to consumers.

To ensure that consumers have all mandatory labelling information, this information should reach consumers in 2 ways (cumulatively):

- a) At the time of consumer must make his choice, all mandatory food information should be available in writing in a place clearly visible to the consumer (e.g. a sign or poster) in the immediate vicinity of the food in question.
- b) Flyers should also be prepared to accompany the food without required labelling at all times: from the moment the food in question leaves the back-line organisation (towards front-line organisations or directly to consumers) to the consumer's home. There must be a clear link between the flyer and the foodstuff (e.g. through a photo or clear identification such as name and brand). This flyer should contain at least the following info:
 - the allergens (FIC Regulation 1169/2011, Annex II),
 - the expiry date ("best before" or "use by"),
 - the conditions of use (e.g. "heat before consumption"),
 - the storage instructions/storage temperature (e.g. "to be kept in the refrigerator at max. 4°C").

Although the flyer should only contain limited information (see above), it is recommended that as much information as possible be included on the flyer or that as much information as possible be passed on to the consumer in some other way (e.g. copies of technical data sheets, copies of the label of the same product for the Belgian market) so that the consumer can use the food product safely.

All mandatory information (on flyers, signs, etc.) must be formatted in the language(s) of the linguistic territory in which the food is redistributed to consumers.

In the case of donated foodstuffs without the required labelling (e.g. allergen listing missing, errors in the ingredient list), it must be clear to consumers that they should not rely on the label of the food but should rely on the corrected information on the flyer or the like (e.g. by crossing out the incorrect label).

Please note that pre-packaged foodstuffs without required labelling can only be donated to back-line organisations (as defined in section 4) that have sufficient knowledge about labelling requirements and also have sufficient capacity to prepare the flyers (b) and posters (a).

Pre-packaged foodstuffs without required labelling can never be donated directly to front-line organisations.

The right food information must always reach the consumer!

Figure 1 clarifies the above relaxation for pre-packaged foodstuffs donated to back-line organisations without the required labelling.

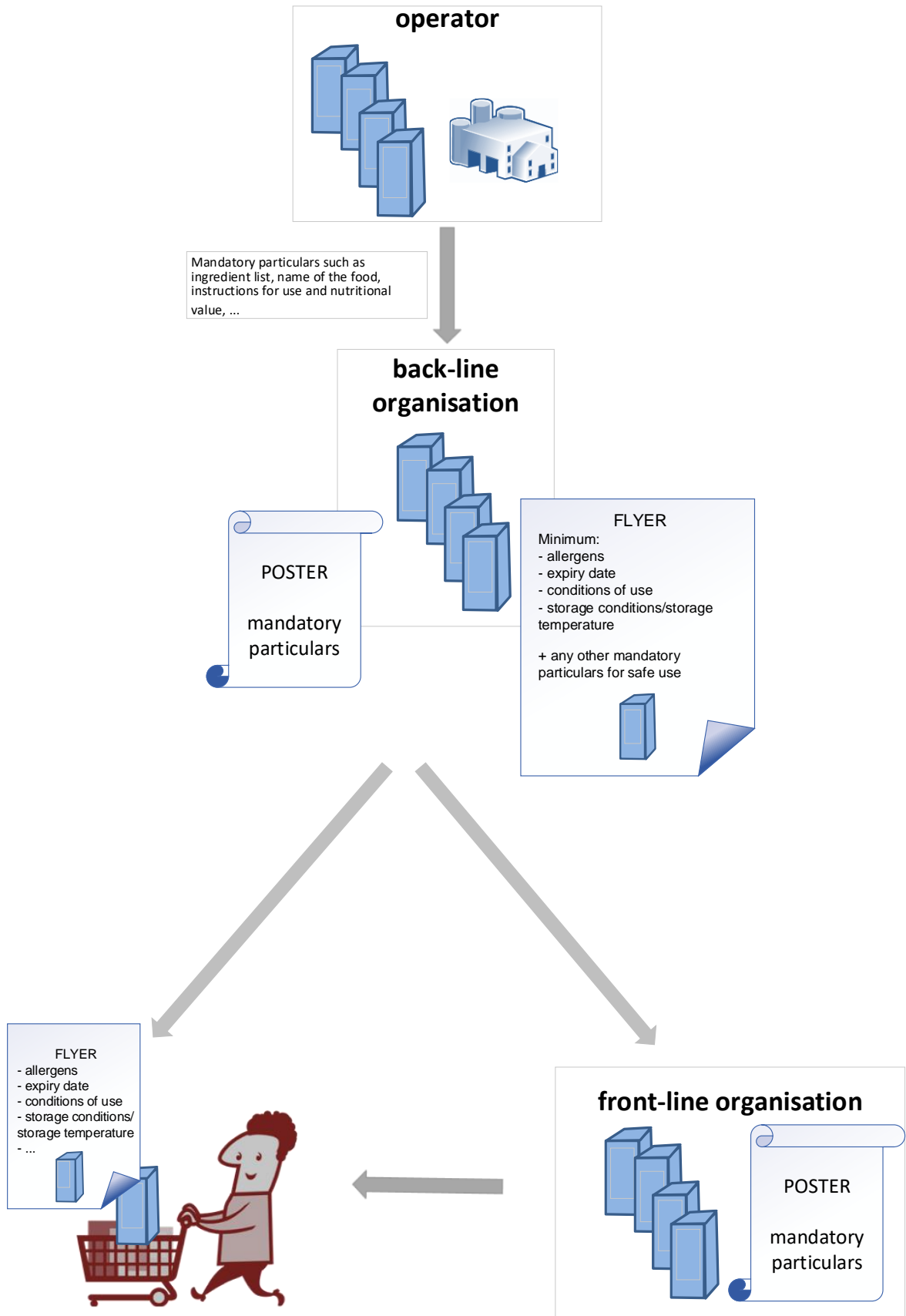


Figure 1: Flow chart clarifying how the minimum mandatory labelling information should be transmitted through the chain regarding donations of pre-packaged foodstuffs without the required labelling.

5.4.2 Non-pre-packaged foods¹³

At a minimum, consumers should be given information about allergens. They may obtain that info by written or oral means. These two approaches are clarified in the circular letter on allergen information. In some cases, other particulars such as an expiry date or a packaging date will also be required. More information regarding labelling of non-pre-packaged foodstuffs can be found on the FASFC website: www.fasfc.be > Professionals > Foodstuffs > Labelling > Foodstuffs pre-packaged/delivered in small quantities for direct sale. In addition, it is recommended to provide consumers with sufficient information for safe and appropriate use of the food (e.g. storage temperature or instructions for use if applicable). The information must be transmitted by the donor (e.g. a supermarket, a bakery) in writing (on the packaging, on a label attached to it or through accompanying documents that accompany the food at all times) to the recipient (e.g. the front-line organisation), so that the latter is able to provide the mandatory food information (at least allergen information) to the consumer. The information should be provided in the language(s) of the linguistic territory in which the food is redistributed to consumers.

5.4.3 Prepared food

When a consumer goes to eat a meal in a front-line or back-line organisation offering food for immediate consumption on the premises, that consumer should at least be able to obtain information about allergens. This info can be given to consumers in writing or orally (see circular letter regarding allergen information).

On prepared food packaged by the mass catering and hospitality sector only to be donated to a front-line or back-line organisation that will offer it quickly (possibly after reheating) for consumption on site (e.g. social restaurant, winter shelter or night shelter for the homeless), it is sufficient that the donor (the catering establishment and the industrial kitchen) provides the allergen information and the expiry date ("best before" or "use by"), in writing (on the packaging, on an attached label or via accompanying documents that accompany the food at all times). Of course, the donor may provide more information to the recipient to ensure safe use of the food (e.g. special storage instructions or conditions of use). The information should be provided in the language(s) of the linguistic territory in which the food is redistributed to consumers.

5.4.4 Frozen food

If the foodstuffs are frozen for donation, at least the following indications must be included, in addition to the mandatory particulars for pre-packaged food:

- the freezing date: "frozen on (date)".
- the statement "consume immediately after thawing after first heating the product if necessary".
- (optional) a new BBD ("best before") that replaces the original expiry date of the food without being potentially misleading to consumers. It is the responsibility of the operator doing the freezing to choose an expiry date that does not pose a risk to food safety. Guidelines for frozen storage time after freezing on day of UBD: see point 5.2.

The above particulars must be applied by the person freezing the food. They can be affixed to the packaging or to a label attached to it in such a way that they cannot be removed and cannot come off

¹³Non-pre-packaged foodstuffs: food without prepackaging, food packaged on the sales premises at the consumer's request or food pre-packaged for direct sale (Regulation 1169/2011).

(e.g. due to condensation). When applying the particulars, the particulars on the original label must remain visible and legible.

However, to facilitate donations from supermarkets, for example, food to be donated can be collected daily and frozen in a sealed container (e.g. with tape). All foodstuffs in a container are frozen on the same day. At least the above particulars should be applied to this container. If this course of action is chosen, the front-line or back-line organisation itself will have to affix the necessary particulars above to each individual consumer package in a way that it cannot be removed (e.g. the marker must not fade) and cannot come off (e.g. sticker/label must not come off due to condensation). Every consumer is entitled to the above minimum labelling information!

If the frozen foodstuffs are donated to a front-line or back-line organisation that, after preparation or processing, will quickly offer it for consumption on site (e.g. social restaurant, winter shelter or night shelter for the homeless), this information can also be included on an accompanying document that accompanies the food at all times.

The particulars must be provided in the language(s) of the linguistic territory in which the frozen foodstuffs are redistributed to the consumer or to, for example, the social restaurant.

6. Traceability

Traceability is necessary to take timely and effective action in case of a food safety risk. Detailed provisions on this are laid down in legislation. Developing a traceability system requires effort from companies.

To encourage donations, the legislation provides¹⁴ that a relaxed form of traceability can be applied in case of donations without, however, compromising any food safety requirements:

- In the case of deliveries to front-line and back-line organisations, the list of establishment units of front-line and back-line organisations to which deliveries are made suffices as registration of outgoing products.
- In the case of front-line and back-line organisations, the list of establishment units from which the products originate suffices as registration of incoming products.

The above lists should be updated on a regular basis and kept for at least two years after the last donation.

This relaxed traceability for donated food results in very little data being present in the donor's OUT register. In the event of a withdrawal or recall, donors must also notify all front-line and back-line organisations on their list. In turn, front-line and back-line organisations will have to inform supplied front-line organisations and consumers in case of a recall. The less data in the OUT register, the broader the communication will have to be, with the result that more products than necessary will have to be recalled. Including an identification of the product (e.g. lot number, expiry date) in the registers ensures that a more limited withdrawal or recall has to be done.

¹⁴ RD of 14 November 2003 concerning self-checking, mandatory notification and traceability in the food chain.

7. Open fridges

An open fridge, also known as a community fridge, is a form of food aid. It is a charitable initiative to provide food to the needy. The principle is simple: a private individual, association or group of individuals make a fridge available at a place accessible to the public. Anyone can take out food items (e.g., a sandwich, a carton of milk, home-made soup).

Depending on whether the manager of the open fridge needs to be known to the FASFC or not, there are restrictions on who may stock the open fridge (see below).

7.1 The manager of the open fridge

Every open fridge needs a manager who is responsible and vouches for the proper operation of the fridge. There are three situations:

- a) The manager of the open fridge is an operator in the food chain

Food chain operators may only obtain supplies from other operators known to the FASFC. This is a legal requirement. This means that front-line and back-line organisations are not allowed to stock up on food donated by private individuals. Similarly, open refrigerators provided by an operator known to the FASFC may only be supplied by other operators.

In this case, the front-line organisation bears responsibility for all aspects concerning food legislation (good hygiene practices, traceability, etc.). The front-line organisation must display its FASFC authorisation poster on the fridge in a place clearly visible to consumers.

- b) The manager obtains supplies from operators

If the manager of the fridge is a (group of) private individual(s), who intends to actively stock the open fridge with foodstuffs he collects from operators (e.g. bakeries, butchers' shops, catering establishments, supermarkets), he must be known to the FASFC. He is the person in charge of the open fridge and must meet all the requirements from situation a) above.

There is an exception to this case, namely when the operator supplies the open fridge with products from other operators less than 5 times a year (for a total duration of 10 days). In this case, the manager falls under situation c) below.

- c) The open fridge is stocked by private individuals

If the manager of the open fridge is a (group of) private individual(s) and does not fall under situations a) and b) above, the manager need not be known to the FASFC. The manager remains responsible for the open fridge. Anyone can stock the fridge.

These open fridges (case c) should have a clear notice on them stating that the fridge is not under the supervision of the FASFC and that consuming food from the fridge is done at one's own risk. This message should hang in a place clearly visible to consumers.

7.2 Guidelines for the proper management of an open fridge

Every open fridge must have a manager responsible for its proper operation.

Below are the guidelines that must at minimum be met if the open fridge operator is required to be known to the FASFC (case (a) and (b)). Every manager of an open fridge must at least:

- ensure that there are no foodstuffs in the open fridge that are not fit for human consumption (e.g. exceeded UBD, mouldy vegetables, rotten fruit). The open fridge should not serve to get rid of expired/spoilt foodstuffs (*'No two-tier food safety'*);
- ensure that the cold chain is safeguarded at all times;
- place a thermometer in the open fridge (if possible, the thermometer - which displays the temperature on the inside of the open fridge - can be read on the outside of the open fridge);
- hang instructions on the open fridge with information for consumers taking food from the open fridge (e.g. prepared food has only a short shelf life, do not take food if the temperature is higher than x °C);
- hang instructions on the open fridge with guidelines for people stocking the open fridge (e.g. pre-packaged food¹⁵ must be labelled¹⁶ (here, allergens and an expiry date are very important), guidelines on high-risk food that should not be placed in the open fridge, containers must be suitable for the food);
- ensure that the prepared foodstuffs bear the following minimum necessary labelling information (on the packaging or on a label attached thereto), clearly legible and written at least in the language(s) of the linguistic territory in which the open refrigerator is located:
 - the allergens,
 - the production date and the expiry date,
 - the conditions of use (e.g. "heat to the core", "do not freeze" if it is an already defrosted food),
 - the storage instructions/storage temperature (e.g. "to be kept in the refrigerator at max. 4°C").

If the prepared food is in packaging that makes it difficult to identify the food (e.g. in opaque packaging), it may also be useful to include an identification of product (e.g. bolognaise sauce).

Managers of open fridges included in case c) are recommended to also follow the above guidelines. Private individuals wishing to stock open fridges (case (c)) can find tips on the FASFC website: www.fasfc.be > Consumers > Day-to-day life > Other > Common fridge.

8. Annex

Non-exhaustive list of foods that can be used as a guide when assessing the shelf life of foods once the BBD has been exceeded.

This list divides foods into four categories, ranging from very long shelf-life to short shelf-life. The last column estimates the period that the food can still be redistributed to consumers through front-line and back-line organisations after the expiry of the BBD. However, this deadline is purely indicative, a case-by-case evaluation should always be made.

¹⁵ It also goes without saying that pre-packaged products from mass distribution placed in these open refrigerators must be fully and correctly labelled.

¹⁶ For your information: www.fasfc.be > Professionals > Self-checking > Guides > Quick Start Files > Label of a pre-packaged foodstuff

The storage conditions (especially temperature) indicated on the label must always be respected, especially for foodstuffs from the cold chain			
Foodstuffs	Description	Spoilage	Shelf-life guideline
Very long shelf-life			
salt, sugar, flour		No spoilage if kept dry. Potentially stale after a very long time. Also note hardness, moisture absorption, presence of insects, mites, rancidity, mould etc.	Up to 1 year (and possibly longer) after BBD, provided food still has its characteristic properties and there are no detectable defects in the food or packaging.
dry pasta products	noodles, macaroni, spaghetti etc.		
couscous, semolina			
coffee, tea			
rice			
instant powder (low-fat)	coffee, seasoning mix, pudding		
Water (in bottles), soft drinks and UHT-treated drinks (e.g. milk, fruit juices)		Flavours may deteriorate, 'colour change' (see enzymatic browning), oxidative reactions, water: algae formation	
canned food (tinned/glass)	vegetables, fruit, soup, meat, fish, coffee creamer, jam etc.	Rusting tin/caps. Gas formation (caution, tinned goods that bulge can be dangerous to health), colour or odour changes	
syrup, molasses, honey		Saccharification	Respect the temperature for frozen products (-18°C or lower)
(hard) sweets	lollipops, sours		
frozen products		Dehydration, fat going rancid	
Long shelf-life			
dry biscuits		Mustiness, loss of flavour, change of flavour, dehydration, change of texture, presence of mites and insects	Up to 2 months (and possibly longer) after BBD, provided food still has its characteristic properties and no defects are visible on the food or packaging
muesli, cereals, cornflakes			
spreads (peanut butter, sprinkles)			
crisps, saltines, peanuts			
oil, deep-frying fat			
instant powder (grease)	soup, powdered milk		
margarine			
hard cheeses	e.g. Emmental, Parmesan		
sweets (soft)	with filling, chocolate, liquorice		
sauces	e.g. chip sauce, mayonnaise, ketchup etc.		
bottled sterilised milk and dairy products		Flavour change or loss	
Perishable			
bread, bake off bread		Musty, mouldy, rancid grease, presence of insects	For products with a UBD: NEVER accept or redistribute after UBD date. Consumer must still be able to use food by UBD at the latest. An uninterrupted cold chain
soft cheeses	These foods sometimes have a 'use by' date (UBD).		
butter			
yoghurt			
dairy-based desserts			
		Bacterial growth (possibly mould growth) and spoilage	

cake, stuffed cookies, soft cookies		Fermentation	(storage, transport, distribution) is crucial; if this is not guaranteed, DO NOT redistribute these foods! For products with a BBD: Adhere to BBD date, exceptions possible, but review carefully! Fresh bread can be frozen, preferably consume within 2-3 weeks
semi-preserved foods (herring, mussels, etc.)	Cooling required		
Short shelf life			
fresh meat, chicken, fish, deli meats	These foods often have a 'use by' date (UBD) and almost always require refrigeration (below 7°C). Cooling below 4°C or lower is even required in some cases (e.g. fish)	Bacterial growth (possibly mould growth) and spoilage	For products with a UBD date: NEVER accept or redistribute after UBD date. Consumer must still be able to use food by UBD at the latest. An uninterrupted cold chain (storage, transport, distribution) is crucial; if this is not guaranteed, DO NOT redistribute these foods! For products with a BBD date: Adhere to BBD date, exceptions possible, but review carefully!
pastries			
cold meals, salads			
freshly squeezed fruit juice			
eggs			
sliced fresh fruit and vegetables			

9. Overview of revisions

Overview of revisions to the circular letter		
Version	Applicable from	Reason and scope of the revision
1.0	Date of publication	Original version