



DOMINICAN
REPUBLIC
**LEGAL
GUIDE**
FOOD DONATION
LAW AND POLICY

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About The Global Food Donation Policy Atlas

The Global Food Donation Policy Atlas is a first-of-its-kind initiative to promote better laws on food donation to help address food loss and food insecurity. This project maps the laws affecting food donation in countries across the globe in order to help practitioners understand national laws relating to food donation, compare laws across countries and regions, analyze legal questions and barriers to donation, and share best practices and recommendations for overcoming these barriers. The project is a collaboration between Harvard Law School Food Law and Policy Clinic and The Global FoodBanking Network. To learn about and compare the food donation laws and policies for the countries FLPC has researched to date, visit atlas.foodbanking.org.

About the Harvard Law School Food Law and Policy Clinic

FLPC serves partner organizations and communities by providing guidance on cutting-edge food system legal and policy issues, while engaging law students in the practice of food law and policy. FLPC focuses on increasing access to healthy foods; supporting sustainable food production and food systems; and reducing waste of healthy, wholesome food. For more information, visit www.chlpi.org/FLPC.



About The Global FoodBanking Network

GFN is an international non-profit organization that nourishes the world's hungry through uniting and advancing food banks in more than 40 countries. GFN focuses on combating hunger and preventing food waste by providing expertise, directing resources, sharing knowledge and developing connections that increase efficiency, ensure food safety, and help food banks reach more people facing hunger. For more information visit www.foodbanking.org.



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INTRODUCTION

Purpose of this Guide

Food loss and waste is one of the greatest food system challenges that we face today. An estimated one-third of food produced globally is ultimately lost or wasted along the supply chain;¹ this amounts to approximately 1.3 billion tons of food each year that ends up in the landfill.² Food loss or waste occurs at every stage of the food system: during the initial harvest due to low market prices, because of high labor costs and demand for perfect-looking produce; by grocery stores and restaurants overestimating customer demands; and by consumers who engage in inefficient shopping and cooking practices and lack a clear understanding about date labels.³

These behaviors have significant environmental, economic, and social consequences: food that is ultimately lost or wasted has a huge carbon footprint of 3.3 gigatons,⁴ using roughly 28% of agricultural land⁵ and accounting for eight percent, or 70 billion tons, of total global greenhouse gas emissions.⁶ Collectively, this damage costs approximately US\$940 billion per year.⁷ Meanwhile, more than 820 million people are undernourished and one in nine is food insecure.⁸ The international community has sought to address this paradox and mobilize the reduction of food waste, especially within the framework of the *2030 Agenda for Sustainable Development* and Sustainable Development Goal 12.3.⁹

In many countries, food donation has emerged as a popular and logical solution to redirect safe, surplus food destined for landfills into the hands of those who need it most. Most food donations are facilitated through food banks or other charitable, nongovernmental organizations that recover surplus, wholesome food and redirect it to local beneficiary agencies (such as soup kitchens, shelters, and community pantries) to feed low-income, food-insecure persons. As food insecurity, food loss, and food waste continue to rise, new, innovative models of food recovery have emerged around the world.

However, uncertainty surrounds the laws and regulations most relevant to food donation. To help address the most pressing questions, the Harvard Law School Food Law and Policy Clinic (FLPC) and The Global FoodBanking Network (GFN) have partnered to create The Global Food Donation Policy Atlas.¹⁰ This innovative partnership maps the laws and policies affecting donations in countries around the world. The project aims to identify and explain national laws relating to food donation, analyze the most common legal barriers to promoting greater food donation, and share best practices and recommendations for overcoming these barriers.

THE PROJECT AIMS TO IDENTIFY AND EXPLAIN NATIONAL LAWS RELATING TO FOOD DONATION, ANALYZE THE MOST COMMON LEGAL BARRIERS TO PROMOTING GREATER FOOD DONATION, AND SHARE BEST PRACTICES AND RECOMMENDATIONS FOR OVERCOMING THESE BARRIERS.

This Legal Guide focuses on the Dominican Republic, where an estimated 1.1 million kilograms of food is lost each week¹¹ and multidimensional poverty hinders food security throughout the population.¹² FLPC and GFN, in collaboration with partners in the Dominican Republic,¹³ developed this resource to help food donors, food banks, and other intermediaries (hereinafter collectively referred to as “food recovery organizations”) understand the relevant legal frameworks that impact food waste and donation efforts.¹⁴ This Legal Guide also serves as a resource for those in other countries that are looking to inform their own food donation laws and policies.

After providing initial commentary on food loss and recovery in the Dominican Republic, this Legal Guide provides an overview of the legal frameworks most relevant to food donation at the national and local levels. The subsequent sections look more closely at the laws generally applicable to food donation: food safety laws and regulations, food date labeling laws, “Good Samaritan” or liability protection laws, tax incentives for

food donation and/or tax policy disincentives, and waste diversion laws that penalize food waste or require recovery. The extent to which the Dominican Republic has developed and subsequently implemented these legal frameworks compared to other countries may vary.

State of Food Insecurity, Food Loss, Waste, and Recovery in the Dominican Republic

Policies to prevent food loss and waste and promote food donation gain new importance when a country's socioeconomic conditions perpetuate food insecurity, especially among the most vulnerable. In the Dominican Republic, for example, despite years of steady economic growth and agricultural expansion,¹⁵ food insecurity, malnutrition, and poverty remain prevalent, especially in rural areas.¹⁶ Between 2015 and 2017, 10.4% of the population was food insecure.¹⁷ At the same time, obesity affected 15% of children and adolescents aged 5 to 19 years, 50.5% of adult men, and 38.8% of adult women.¹⁸

These trends illustrate that access to affordable, nutritionally adequate food is not guaranteed in the Dominican Republic, particularly for the quarter of the population, or more than 3.1 million people, that was living below the poverty line prior to the novel coronavirus (COVID-19) pandemic.¹⁹ The pandemic has only exacerbated these issues, as the World Bank projected a rise in the national poverty rate by at least 1.4 percentage points due to COVID-19.²⁰ Such an impact is reflective of the greater situation in Latin America and the Caribbean, where COVID-19 was expected to push an additional 16 million people into extreme poverty by the end of 2020.²¹

As for many countries around the world, the pandemic has complicated existing efforts to achieve “zero hunger” by 2030, consistent with Sustainable Development Goal 2.²² Pursuant to this goal, the Dominican government developed the 2019-2022 National Plan for Food and Nutrition Sovereignty and Security,²³ the 2030 National Development Strategy,²⁴ and the Social Assistance Plan of the Presidency.²⁵ These national initiatives target the drivers of food insecurity and malnutrition, including limited access to food, education, insufficient food regulations, inequality, and poverty.²⁶ During the pandemic, these initiatives also created a foundation for providing emergency food assistance. Under the Social Assistance Plan, for example, which was developed to provide donated food to families in need,²⁷ the country delivered food items to nearly 500,000 families in just the first month of the pandemic.²⁸

THE FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (FAO) ESTIMATES THAT ALONG THE FOOD PRODUCTION CHAIN, 1.1 MILLION KILOGRAMS OF FOOD IS WASTED EVERY WEEK, 93% OF WHICH IS LOST IN THE PRODUCTION PHASE AND 7% IN PROCESSING AND RETAIL.

These national initiatives may also create a pathway for addressing food loss and waste or promoting greater recovery and donation. The Food and Agriculture Organization of the United Nations (FAO) estimates that along the food production chain, 1.1 million kilograms of food is wasted every week,²⁹ 93% of which is lost in the production phase and 7% in processing and retail.³⁰ A 2014 study commissioned by the FAO found that an estimated 14% to 15% of food in the Dominican Republic is wasted due to problems in transport, storage, and the high cost of refrigeration.³¹ Another study by the United States Agency for International Development (USAID) found that, due to insufficient cold-chain infrastructure, the majority of produce is not transported at minimum temperatures.³² With appropriate infrastructure and distribution channels in place, much of this food that is ultimately spoiled could be salvaged and delivered to those who need it most.

The 2030 National Development Strategy addresses this issue, calling for the creation of a logistics center to distribute food to Caribbean countries affected by natural disasters³³ and providing a framework to prevent food loss and waste through greater food recovery.³⁴ The 2019-2022 National Plan explicitly calls for the development

of a national food donation legal framework, recognizing the need to address both issues of food loss and waste and food insecurity and hunger.³⁵

Dominican Republic by the Numbers

Population 10,074,000	Prevalence of Food Insecurity N/A	World Bank Classification Upper middle income
Median age 28 years	Global Food Security Index 75.5	Human Development Index 0.736
GDP \$88.94 billion	GINI Index 46.60	FLW estimates 57.2 million kilograms per year
Poverty rate 24.7%	Food Security Index 45.7	

At the time of this writing, the Dominican government had not adopted a national food donation law or national law to prevent food loss and waste. However, two bills related to the reduction of food waste were recently introduced in the Dominican Senate. The first bill, referred to as the “Law Project for the Reduction of Food Loss and Waste, Initiative No.1305-2020” (“*Proyecto de Ley para la Reducción de la Pérdida y Desperdicio de Alimentos*” or Food Loss and Waste-Reduction Bill)³⁶ received support from FAO and was approved by the Chamber of Deputies in January 2020. The second bill, referred to as the “Law Project Against Food Waste, Initiative No.01291-2020” (“*Proyecto de Ley contra el Desperdicio de Alimentos*” or Food Waste Bill),³⁷ was directly introduced by two senators in early 2020 and awaits a decision from the Senate.

The Food Loss and Waste-Reduction Bill provides basic procedures to avoid and reduce food waste at state-based institutions³⁸ through the use of government-authorized “food waste collection and processing centers” (“*centros de acopio y procesamiento de residuos alimenticios*”).³⁹ Six months after the bill’s enactment, the Ministry for the Environment and Natural Resources would develop donation programs for “farms, supermarkets, homes, hotels, bars, restaurants, and any establishment that may distribute organic or industrial food.”⁴⁰ As referenced later in this Legal Guide, the bill also provides for an organic waste ban⁴¹ and defers to the Ministries of the Environment and Natural Resources, Public Health and Social Assistance, and Agriculture to develop other relevant tax and regulatory frameworks.⁴² At the time of this writing, the Food Loss and Waste-Reduction Bill remained under review in the Senate’s Public Health Commission and thus had not yet been adopted as law.⁴³

The second initiative, the Food Waste Bill, proposed more specific obligations and incentives for food donation than the Food Loss and Waste-Reduction Bill.⁴⁴ Specifically, the Food Waste Bill would require any private person or legal entity, national or foreign, to donate any food that cannot be sold and that may be safe for human consumption⁴⁵ to food banks, nonprofit organizations, and other registered and authorized entities.⁴⁶ The bill distinguishes between “private” and “public” food banks, imposing different responsibilities for each.⁴⁷ This bill, like the Food Loss and Waste Reduction Bill, remained pending before the Senate at the time of this writing.

THE DOMINICAN REPUBLIC ESTABLISHED A NATIONAL COMMITTEE FOR THE PREVENTION AND REDUCTION OF FOOD LOSSES AND WASTE (COMITÉ NACIONAL DE PREVENCIÓN DE PÉRDIDAS Y DESPERDICIOS DE ALIMENTOS) AS PART OF THE COMMUNITY OF LATIN AMERICA AND CARIBBEAN STATES’ (CELC) 2025 PLAN FOR FOOD AND NUTRITION SECURITY AND THE ERADICATION OF HUNGER.

Even without a national law promoting food donation or the reduction of food loss and waste, the Dominican government has advanced these priorities through public-private partnerships at the national and international levels. In 2017, for example, the Dominican Republic established a National Committee for the Prevention and Reduction of Food Losses and Waste (*Comité Nacional de Prevención de Pérdidas y Desperdicios de Alimentos*) as part of the Community of Latin America and Caribbean States' (CELC) 2025 Plan for Food and Nutrition Security and the Eradication of Hunger.⁴⁸ The committee comprises over 10 institutions, including the vice presidency, the Ministry of Agriculture, Merca Santo Domingo, Pro Consumidor, and private-sector actors such as Grupo Ramos, Nestlé, and Fundeco,. It has also developed an action plan to end food loss and waste with technical assistance from FAO.⁴⁹

The Dominican Food Bank (*Banco de Alimentos República Dominicana* or BARD) has been the focal point for this initiative. Founded in 2010 by a faith group, BARD was created to help redirect surplus food to food-insecure populations. Working with the Progressing with Solidarity Program (*Progresando con Solidaridad (Prosoli)*), a government agency focused on poverty reduction, BARD distributed 240 tons of food to institutions working with persons with disabilities.⁵⁰ In 2019, BARD provided over 1.3 million meals and fed over 7,000 beneficiaries daily.⁵¹ In addition to food waste prevention efforts, BARD has also reduced food loss in the central city of Constanza, where an estimated five tons of food each week, mainly tomatoes and cucumbers, has been recovered from nearby producers.⁵² In the midst of the COVID-19 crisis, BARD supplied over 34,000 meals in the first week of April 2020 alone.⁵³

Scaling up these operations and investing in new solutions to hunger and food waste requires recognizing and understanding the laws that apply to food donation. The remaining sections of the Legal Guide provide an overview of the Dominican Republic's food donation legal framework and address the issues most likely to arise for food donors, food recovery organizations, policymakers, and other interested stakeholders.

OVERVIEW OF THE DOMINICAN REPUBLIC'S RELEVANT LEGAL FRAMEWORK

The Dominican Republic's national Constitution serves as the primary source of law in the country and recognizes a right to food and health for all people.⁵⁴ To fulfill this obligation and realize other rights owed to the population, the Constitution establishes a unitary but decentralized system of government. Along With the Constitution, the Law of the National District and Municipalities⁵⁵ and Decree No. 710-04⁵⁶ further distribute administrative powers among the national, regional, and municipal levels, in addition to the National District where Santo Domingo is located. At the national level, power is allocated across a bicameral legislative branch (the Congress the Chamber of Deputies and the Senate), a presidential executive branch, and a judicial branch.

As previously noted, the Dominican government has not yet adopted a national law or other binding legal framework that specifically focuses on food loss, waste, recovery, or donation. However, relevant laws passed by the Chamber of Deputies and the Senate impact food donation operations on a national scale. Many of these take the form of general and basic laws, which are the highest authority of law, just below the Constitution and international treaties that are signed and ratified by the two houses of the Dominican Congress. This includes the Dominican Republic-Central America Free Trade Agreement (CAFTA-DR)⁵⁷ and voluntary international standards set through the *Codex Alimentarius*.⁵⁸ The national government may also shape the food regulatory framework through executive decrees, regulations (*reglamentos*), resolutions, and decisions.

Finally, municipal governments have certain delegated authorities to supplement these policies or develop implementation plans within their respective jurisdictions, consistent with the delegation of powers established by the Constitution and other authorities referenced above.

General Health Law and General Food Regulation

While the Dominican Republic does not have a distinct food safety law,⁵⁹ most food safety regulations are contained within the General Health Law (*Ley General de Salud, No. 42-01*)⁶⁰ and its accompanying regulations.⁶¹ The General Health Law establishes that everyone has the right to demand that food is healthy—not adulterated, altered, or contaminated—and corresponds in quality, nature, and security to its labeling.⁶² The General Health Law does not explicitly address food donation but establishes that *all* food products⁶³ are subject to the Law's provisions, its regulatory developments, as well as Dominican technical standards (*Normas Dominicanas* or NORDOMS) and the *Codex Alimentarius*, discussed in the next section of this Legal Guide.⁶⁴

The General Health Law tasks the State Secretariat on Public Health and Social Assistance (*Secretaría de Estado de Salud Pública y Asistencia Social* or SESPAS) under the Ministry of Public Health and Social Assistance with overseeing programs related to food and nutrition;⁶⁵ food safety in the stages of processing, imports and exports, evaluation, and registration; and promotion and publicity of food products.⁶⁶ SESPAS executes its oversight through the General Directorate of Drugs, Food, and Health Products (*Dirección General de Medicamentos, Alimentos y Productos Sanitarios* or DIGEMAPS), which was created in 2015 to bring clarity and coherence to the food and drug safety system.⁶⁷ DIGEMAPS monitors food hygiene in production, handling, transport, storage, sale, and preparation for direct sales⁶⁸ by requiring prior authorization of any food or beverage product for public consumption⁶⁹ and by conducting on-site inspections of food establishments.⁷⁰

These and other food safety safeguards are further detailed in the General Regulation for the Control of Food and Beverage Risk (*Reglamento General para Control de Reiscos en Alimento y Bebida*) approved through Presidential Decree No. 528-01 (hereinafter “General Food Regulation”). Unlike the General Health Law, the General Food Regulation features donation-specific provisions.⁷¹ As discussed later in this Legal Guide, however, the General Food Regulation’s donation-specific provisions in Title III, Book II are quite general and predominantly focus on government oversight delegated to SESPAS and other relevant ministries.⁷²

The Dominican Quality System and Dominican Technical Standards

The General Health Law explains that all food subject to its provisions is also subject to the *Codex Alimentarius*, of which the Dominican Republic is a member, and to NORDOMS.⁷³ Law 166-12, which establishes the Dominican Quality System (*Sistema Dominicano para la Calidad* or SIDOCAL) under the authority of the Dominican Council for Quality (*Consejo Dominicano para la Calidad* or CODOCA), defines NORDOMS as nonbinding quality-control standards, but they may provide the basis for technical regulations. Under SIDOCAL, the Dominican Institute for Quality (*Instituto Dominicano para la Calidad* or INDOCAL), part of the Ministry of Commerce and Micro, Small, and Medium-sized Businesses, oversees the development of and compliance with these technical standards.⁷⁴ INDOCAL is also responsible for aligning NORDOMS with voluntary standards endorsed by the *Codex Alimentarius*.⁷⁵

While more than 800 NORDOMS are in effect, the Dominican Republic has not published a NORDOM that specifically regulates food donation. However, several standards apply to food safety and may impact food recovery and donation. For example, NORDOM 581 establishes the minimum sanitary requirements for harvesting, handling, processing, storing, transporting, distributing, and selling food for human consumption.⁷⁶ NORDOM 53 on General Labeling for Prepackaged Products is also relevant to food donation, as it establishes specific labeling requirements for food products.⁷⁷ NORDOM 53 is the only regulatory standard with a binding character;⁷⁸ most technical standards are voluntary in nature.⁷⁹ These and other standards are regularly modified to respond to new information concerning food safety, public and environmental health, and consumer protection.

Other National Law

Other national laws in the Dominican Republic may impact food donation and indirectly apply to food safety, food security, and food recovery efforts. General Law No. 358-02, for example, establishes protections for consumer and user rights and ensures legal certainty for both providers and consumers.⁸⁰ General Law No. 358-02 creates the intergovernmental and multisectoral Pro Consumidor (*Instituto Nacional de Protección de los Derechos del Consumidor*),⁸¹ which is the highest national authority tasked with overseeing compliance with food safety and security regulations in coordination with SESPAS.⁸² In addition, the national Tax Code (*Código Tributario*),⁸³ Tax Reform Law No. 253-12, and Law No. 2569 on the Tax on Donations and Successions in the Dominican Republic, all enumerate the tax benefits available to food donors, and are discussed later in this Legal Guide.⁸⁴

Relevant policies can also be found within the School Service Program (*Servicio de Alimentación Escolar*, or PAE), which distributes weekly meals to urban and rural schools,⁸⁵ and the Progressing with Solidarity Program (*Progresando con Solidaridad, Prosoli*), which coordinates the “Eating comes First” (*Comer es Primero*) program that provides monthly financial aid to future mothers living in poverty.⁸⁶

Municipal Law

Regional and local governments in the Dominican Republic have the legal authority to supplement national laws within the scope of their jurisdiction and delegated power. At the regional level, Decree 710-04 established three macroregions and 10 regions in the Dominican Republic while also preserving the 31 provinces and the National District that were previously established by now defunct Laws Nos. 5220⁸⁷ and 745.⁸⁸ In turn, a series of individual laws have progressively subdivided these provinces into 154 municipalities and 232 municipal districts.⁸⁹ Further subdivisions include sections, *parajes*, neighborhoods, and subneighborhoods.⁹⁰ Municipal governments have exclusive jurisdiction over the building and management of slaughterhouses, markets, and fairs,⁹¹ which are legally considered as public services in that they guarantee a public good.⁹² Municipal governments can also develop their own environmental programs, in coordination with the State Secretary on the Environment and Natural Resources,⁹³ issuing ordinances for instance in the area of municipal organic waste management.⁹⁴

In other countries with a similar distribution of powers such as Peru, municipalities have developed their own initiatives to tackle food loss and waste, for example through networks to improve the management of wholesale markets,⁹⁵ the establishment of food waste task forces to manage biomass waste from markets run by the municipality⁹⁶ or membership in the Milan Urban Food Policy Pact, the international agreement among cities willing to develop sustainable food policies.⁹⁷ While Dominican municipalities have not yet taken such action, these and other regional initiatives could inspire similar action within the Dominican Republic.

LEGAL ISSUES RELEVANT TO FOOD DONATION

Food Safety for Donations

In many countries, a key barrier to the donation of surplus food is the lack of knowledge or readily available guidance regarding safety procedures for food donation. All donated food should be safe for consumption and comply with applicable food safety laws and regulations. Potential donors, however, are often uncertain about which food safety regulations apply to donated food as opposed to purchased food and about the steps necessary to safely donate food in compliance with applicable regulations. As a result, safe, surplus food that could

have been redirected to populations in need is instead destined for landfills. Food donors and food recovery organizations in the Dominican Republic informing this Legal Guide confirm that confusion surrounding food safety rules and regulatory oversight poses an obstacle to greater food donation.⁹⁸

This reported confusion emanates from the country's complex and fragmented food safety framework. As explained above, most food safety standards are derived from the General Health Law, which broadly requires oversight of imports, production, and retail of all food and beverage items.⁹⁹ The General Health Law does not explicitly reference food donation, but its scope of application presumably includes food that is donated in addition to food that is offered for sale. The Law sets forth several penalties for the breach of food safety regulations,¹⁰⁰ the development and oversight of which are delegated to SESPAS. Since 2015 SESPAS's regulatory oversight has been carried out by DIGEMAPS and involves ensuring food hygiene, conducting health examinations of staff in charge of handling food and beverages, regulating foods sold on the street and in establishments, and all other relevant actions not explicitly included in the General Health Law.¹⁰¹

The General Food Regulation of the General Health Law, which was adopted through Decree No. 528-01, elaborates on the Law's food safety standard, explaining that all food is "suitable for human consumption"¹⁰² when it is guaranteed that it will not "cause damage to the consumer when the food is prepared and/or consumed according to the directed use."¹⁰³ Accordingly, altered, adulterated, contaminated, falsified foods or any foods that may become a risk for consumers are not suitable for human consumption.¹⁰⁴ The Regulation narrowly defines "consumer" as the "person or group of persons who *buys* food;"¹⁰⁵ this restrictive definition raises into question whether food that is ultimately donated *free of charge* to a beneficiary is also subject to the Regulation.

This question is ultimately resolved in Title III, Book II of the General Food Regulation, which specifically addresses food donation.¹⁰⁶ The General Food Regulation's donation-specific section offers general commentary on donated food and the mechanisms for government oversight.¹⁰⁷ The first of the section's four brief articles states that all donations must be made to "recognized institutions, protected by executive power decree."¹⁰⁸ According to Article 67 of Decree No. 40-08 regulating nonprofit associations, institutions are duly recognized when they receive a resolution authorizing their incorporation and a registration certification from the *Procuraduría General de la República*¹⁰⁹ and then complete the registration process before the National Taxpayer Registry of the General Directorate of Internal Taxes.¹¹⁰ Thus, only after following this procedure would the entity be eligible to receive food donations under the General Food Regulation.

The General Food Regulation further states that all food donations must come from "reliable sources" and comply with relevant quality standards and regulations.¹¹¹ The Regulation does not elaborate on either of these conditions and leaves open for interpretation who may donate and which safety standards they must follow. The Regulation's remaining donation-specific provisions address food donations from foreign markets, stating that food must have a "useful life" of at least six months at the time of entry and tasking SESPAS with inspection at the port.¹¹² The narrow application of these provisions to imported foods fails to offer meaningful guidance to food donors or food recovery organizations that are looking to maintain the safety of food donations originating from the Dominican Republic.

The Regulation also reminds food donors and food recovery organizations that the food safety regulatory framework is quite expansive and complex, as it also encompasses standards developed by the *Codex Alimentarius* and ultimately adopted by INDOCAL.¹¹³ As previously mentioned, INDOCAL is responsible for developing technical standards that align with the *Codex Alimentarius*, such as NORDOM 581, which establishes the minimum sanitary requirements for harvesting, handling, processing, storing, transporting, distributing, and selling food for human consumption.¹¹⁴ NORDOM 581 broadly states that all food produced, stored, and distributed must be in good condition and suitable for human consumption,¹¹⁵ however, the standard does not reference donation or provide concrete guidance for food donors or food recovery organizations.¹¹⁶

Date Labeling

Date labels affixed to food products are a major driver of food waste and an obstacle to food donation. As explained in the previous section, most food donors and food recovery organizations are appropriately cautious about donating food that meets safety standards, but it is not always clear which standards relate to food safety. And, while fresh products like fruits and vegetables will appear visibly spoiled when they are no longer safe to consume, it can be more difficult to gauge when this is the case for packaged foods. Many donors interpret date labels affixed to such food products as indicators of safety and will therefore throw away food once the “expiration date” has passed; intermediaries may refuse to accept donated food after this date, deeming the food product unfit for human consumption.

Despite this interpretation, for the vast majority of foods, date labels indicate freshness or quality rather than food safety. Manufacturers use a variety of quality-based methods to determine the time frame for label dates, all of which are intended to reflect when the food will be at its “peak quality.”¹¹⁷ Nevertheless, global trends indicate that consumers generally confuse date labels as indicators of safety rather than quality. In the United Kingdom, for example, researchers found that consumers discarded about 22% of food that they could have eaten due to confusion over date labeling.¹¹⁸ Similarly, 84% of Americans report that they throw away food after the expiration date passes due to safety concerns, even if there is a minimal risk of foodborne illness at that time.¹¹⁹

Food donors and food recovery organizations may encounter similar challenges discerning the appropriate meaning and application of date labels in the Dominican Republic, which are standardized under the General Food Regulation and NORDOM 53 on General Labeling for Prepackaged Products.¹²⁰ The General Food Regulation details the general labeling requirements for all prepackaged foods and defers to NORDOM 53 to define certain exceptions.¹²¹ Specific to date labeling, the General Food Regulation requires all prepackaged foods to feature a “use deadline” (“*fecha límite de utilización*”), referred to as the “recommended consumption deadline” (“*fecha límite de consumo recomendable*”).¹²² The Regulation defines this date as an indicator of quality rather than safety, clarifying that food “past the [use limit] date” cannot be sold¹²³ but remains “suitable for human consumption”¹²⁴ if it can be guaranteed that it will not “cause damage to the consumer when the food is prepared and/or consumed according to the directed use.”¹²⁵ In other words, food is no longer marketable after this “use deadline” but is still safe for human consumption.

NORDOM 53 also specifies¹²⁶ that the “use deadline” is not required on particular products, but instead requires¹²⁷ manufacturers to affix a “minimum duration date”¹²⁸ to most prepackaged food items.¹²⁹ This date is also defined as an indicator of quality, conveying the last date on which food is fully marketable and retains its expected quality attributes.¹³⁰ NORDOM 53 further explains that manufacturers may express this date using the terms “best before . . .” or “consume preferably before the end of . . .” depending on the product’s “shelf life.”¹³¹ NORDOM 53 does not state that food is no longer safe to consume after this date or expressly permit food donation once the “minimum duration date” has passed.

Not only is there misalignment between the General Food Regulation and NORDOM 53, but also the exclusive attention to a quality-based date label in both instruments is at odds with the country’s purported adherence to the *Codex Alimentarius*.¹³² As previously discussed, INDOCAL is responsible for harmonizing NORDOMs with standards developed by the *Codex Alimentarius*;¹³³ the General Food Regulation also confirms that prepackaged food should conform with the *Codex Alimentarius*’s standards.¹³⁴ Specifically, the *Codex Alimentarius* proposes a dual-date labeling scheme, through which manufacturers may affix a safety-based “expiration date,” for foods that pose an increased risk to health overtime.¹³⁵ This “expiration date,” which may be expressed as “use by,” and is the last date on which the product should be sold or consumed “due to *safety and* quality reasons.”¹³⁶ for foods that do not require the use of a safety-based label does the *Codex Alimentarius* recommend the use of an alternative, quality-based label, expressed as “best before.”¹³⁷ This optional use of a quality-based label instead of a safety-based label is intended to safeguard public health and minimize the unnecessary waste of food that is unmarketable but still safe for human consumption.

Neither the General Food Regulation nor NORDOM 53 address this issue of past-date consumption, leaving open for interpretation whether such food is still safe to consume. The General Food Regulation and NORDOM 53 also do not state whether food past the quality date label is safe to donate.¹³⁸ As both regulations seem to endorse the use of a quality-based label, some past-date food may still be suitable for donation. Yet, without further explanation from the Dominican government, cautious donors and food recovery organizations may presume that the affixed “use deadline” or “minimum duration date” refers to safety and discard rather than donate past-date food.

Liability Protection for Food Donations

A significant barrier to food donation is the fear among donors that they will be found liable if someone becomes sick after consuming donated food. This fear is particularly heightened when the applicable law provides for “strict liability” (i.e., a donor or food recovery organization that did not act maliciously or intend to inflict harm may still be held legally and financially responsible for any resulting injury). Other countries, including Argentina and the United States, have established protections for both food donors and food recovery organizations to limit the likelihood that these actors will be held responsible for harm. At the time of this writing, the Dominican Republic had not adopted comprehensive protections for food donors and food recovery organizations or adopted national legislation to limit liability that these actors may face under existing frameworks.

Potential liability may be governed by the Civil Code¹³⁹ and General Law 358-05 on the Protection of the Rights of the Consumer and User (hereinafter “Consumer Protection Law”).¹⁴⁰ Articles 1382 to 1386 of the Civil Code establish the Dominican Republic’s extra-contractual liability regimes,¹⁴¹ generally providing that any claim of liability requires proof of proximate cause (i.e., there must be clear and direct evidence that harm resulted from a fault of the offender).¹⁴² Most claims are brought under the Consumer Protection Law, which sets forth robust rights owed to consumers or users and creates the National Institute for the Protection of Consumers (Pro Consumidor) to oversee the protection of such rights.¹⁴³

Chapter X of the Law explains that suppliers and providers that act recklessly or with the intention of causing harm may owe compensation for damages.¹⁴⁴ The Law also recognizes strict liability of producers, importers, distributors, and suppliers if an injury results from a product defect or insufficiency and further acknowledges the potential for criminal liability to arise from consumer offenses.¹⁴⁵

The plain language of the Law, however, does not clearly create an avenue for holding food donors and food recovery organizations liable. The Law defines “provider” to broadly include any “natural or legal person, public or private, that habitually or occasionally, produces, imports, handles, conditions, packages, stores, distributes, markets, or sells products” to consumers.¹⁴⁶ This likely includes food donors and food recovery organizations that produce, handle, store, or distribute food donations to beneficiaries. Yet the Law narrowly defines “consumer or user” to include those persons or entities that consume, use, or enjoy products *for consideration* (e.g., monetary payment). Most food donation beneficiaries receive donated food free of charge and thus would not constitute “consumers or users” to whom rights and obligations are owed under the Consumer Protection Law.¹⁴⁷

Nevertheless, anecdotal evidence indicates that food donors and food recovery organizations in the Dominican Republic have interpreted the Consumer Protection Law as applicable to food donation. Along those lines, Pro Consumidor has previously asserted oversight of food donations operations. In 2012 Pro Consumidor reportedly developed “acceptance criteria” for food donations consistent with the Consumer Protection Law.¹⁴⁸ Representatives of food recovery and charitable organizations as well as food industry executives subsequently met with Pro Consumidor to discuss strategies for compliance.¹⁴⁹ At the time of writing, formal documentation of this “acceptance criteria” was not publicly available to the authors of this Guide.

The Food Loss and Waste-Reduction Bill referenced earlier in this Legal Guide features additional guidance for food donors on acceptable actions when donating food to help these actors avoid potential sanctions and liability.¹⁵⁰ However, this proposed Law would not provide comprehensive liability protections for either food

donors or food recovery organizations. The alternative Food Waste Bill, on the other hand, would provide civil and criminal liability protections for food donors, extending a presumption of good faith in the event of harm and requiring proof of serious fault or intent in order to award damages.¹⁵¹ As this Bill was not enacted at the time of this writing, food donors are not entitled to such protections at present.

Taxes

Reducing food loss and waste results in sizable economic benefits to society, as it minimizes the costs associated with producing and discarding food that is never consumed. Food donation also helps mitigate the costs of hunger and stimulates the economy: food banks and intermediaries provide jobs or sponsor community development, while recipients of donated food are able to spend limited financial resources on other basic goods and services. But food donation can also be expensive, as food donors must allocate time and money to glean, package, store, and transport surplus food that otherwise would be discarded at no cost. As a result, it is often easier and less expensive for farmers, businesses, and private individuals to throw away food rather than donate it. Some countries are addressing this issue by offering tax incentives and removing financial barriers to food donation.

Incentives

Tax incentives can significantly support food donation and help reduce food loss and waste. For example, corporate donors may be more likely to donate surplus food if they receive a charitable deduction or credit to offset the cost of transportation and logistics. These tax incentives could help reduce the burden of the national income tax or other taxes levied on businesses. The Dominican Republic's tax regime currently offers such tax incentives for donors and intermediaries through strategic exemptions and deductions.¹⁵²

The Tax Code provides a modest deduction of up to five percent of the donor's net income for the value of charitable donations made to registered institutions.¹⁵³ To qualify for this deduction, donations must be granted to entities declared of public interest or whose purpose includes charity, religion, literary endeavors, art, education, or science.¹⁵⁴ Monetary and in-kind donations made to nonprofit food banks should fall within these categories, provided the receiving organization has adhered to applicable procedures.¹⁵⁵ Specifically, donation-receiving entities must obtain a resolution from the State that authorizes their incorporation and a registration certification from the *Procuraduría General de la República*.¹⁵⁶ They also have to complete the registration process before the National Taxpayer Registry of the General Directorate of Internal Taxes.¹⁵⁷

Although this deduction is designed to encourage food donation, the procedure for food recovery organizations to obtain authorization and the benefit available to food donors may not persuasively incentivize donation. The Food Waste Bill referenced earlier in this Legal Guide, for example, proposes an adjustment to the incentive that would allow donors to claim up to 40% of their net income for qualifying donations (at a deduction rate of 75% on the value of the donation).¹⁵⁸ As the Dominican government has not adopted this approach or pursued an alternative amendment to the existing tax scheme, at present the tax deduction is capped at 5% of donor's net income.

Barriers

While certain tax schemes may encourage food donations, they may also be potential deterrents. In many countries the value-added tax (VAT), in particular, presents a financial barrier to donating food. The VAT is levied on a good or service at each stage of the supply chain, from production to the point of sale, whenever value is added. This tax is usually levied through a system of debits (an output VAT) and credits (an input VAT). The VAT debit is the amount that a VAT-registered business will charge on its own sale of the good, whereas the VAT credit is the amount invoiced to the VAT-registered business upon its purchase.

Countries will often exempt donation-receiving entities from this VAT scheme. While this exemption benefits charitable and food recovery organizations that receive and distribute donated foods, it prevents food donors from reclaiming a portion of the VAT on the donated food. Accordingly, food donors are left with a technical balance in favor (a VAT credit that exceeds the VAT debit). If a country's tax authority does not allow donors to recover the VAT credit on donating surplus food, the tax owed seems like a penalty for donating the surplus food—particularly if the country otherwise permits donors to reclaim the VAT for unmarketable food that is thrown away.

The Dominican government has adjusted the VAT, referred to as the Transfer of Industrialized Goods and Services Tax (*Impuesto a la Transferencia de Bienes Industrializados y Servicios* or ITBIS), so that it does not deter donation in most situations. In general, legal entities, including private, nonprofit organizations that provide a service or transfer goods, must pay the ITBIS, currently set at 18%.¹⁵⁹ However, agricultural products (including fresh, frozen, dried, and canned fruits and vegetables; milk; bread; flour; rice; and other staple food items) are entirely exempt from the tax. This exemption has, in effect, removed the VAT as a potential barrier to donation, as donors do not accrue a technical ITBIS balance when initially purchasing the donated food.

This exemption is not absolute, as some food products remain subject to the VAT. A reduced tax rate of 16% is charged for certain food items, including yogurt, coffee, sugar, and animal and vegetable fats. The Dominican Republic does not provide an exemption for donation-receiving entities or clearly allow food donors to recover what would have been the market value of the food had it not been donated. Accordingly, if taxpayers are seeking to donate food that is not entirely exempt from the ITBIS, they may have to bear an additional cost to donate rather than discard the food.

Donation Requirements or Food Waste Penalties

Some countries have created food donation requirements or impose monetary penalties for food that is sent to landfills (often known as organic waste bans or waste taxes) to influence business behavior and promote sustainable food systems. At the time of this writing, the Dominican Republic had not adopted a national donation requirement or food waste penalty. However, the Food Loss and Waste-Reduction Bill mentioned previously in this Legal Guide features such intervention.¹⁶⁰ Chapter III of the bill introduces an organic waste ban, subject to a fine, for any natural or legal person who throws away or destroys food that would otherwise be fit for human consumption.¹⁶¹ In the case of companies, a violation of this ban could result in the closure of operations for two to six months.¹⁶² The alternative Food Waste Bill similarly contains an organic waste ban but limits the ban to food that is fit for human consumption and still suitable for donation.¹⁶³

Government Grants and Incentives

Grants and incentive programs funded at the national or local level offer another important resource for food donation initiatives. This is particularly true in countries where donors consider tax incentives insufficient to offset the costs of donation or where a lack of infrastructure limits food recovery efforts. For example, government grants can help food donors and food recovery organizations acquire equipment and resources necessary for recovering, storing, processing, and transporting food for donation. Government funding can also support new innovations and emerging technologies that will make food donation more efficient and sustainable.

The Dominican Republic currently has not introduced any grant or nationally funded food recovery program; however, such an initiative would fall within the scope of the 2019-2022 National Plan for Food and Nutrition Sovereignty and Security. The National Plan calls for the prevention of food loss and waste and may introduce grants or other food recovery programs as part of this plan. The National Committee for the Prevention and Reduction of Food Losses and Waste could also oversee such programming, as one of the committee's key successes to date has been the design and development of a social entrepreneurship initiative to reuse food

that may otherwise be wasted at the wholesale market Merca Santo Domingo.¹⁶⁴ Incentives and government funding could help promote such innovative solutions to food loss and waste.

Miscellaneous

There are several emerging policies and proposed laws in the Dominican Republic that could advance food donation as a solution to food loss, waste, and hunger. For example, a congressional bill was recently submitted for the consideration of the Natural Resources and Environment Commission of the Senate to regulate solid waste management.¹⁶⁵ This bill establishes that organic waste, which includes both animal waste from the food, farming, or slaughterhouse industries as well as plant waste from the food industry, cities, markets, gardens, or parks, must be treated via bio-treatment or composting.¹⁶⁶ Aligning the objectives of this bill with any future regulation on food donation and recovery could better ensure that policies on environmental protection and social assistance become mutually supportive.

There are also longstanding policies and programs in the Dominican Republic that may provide a foundation for stronger food donation operations. The country's system of affordable canteens (*comedores económicos*),¹⁶⁷ for example, was created in 1942 amid a national emergency¹⁶⁸ and is now a well-established program of the Ministry of Public Health and Social Assistance.¹⁶⁹ Across the country, 37 *comedores económicos* sell reduced-price meals to individuals “in a situation of poverty”¹⁷⁰ and deliver raw foods to low-income individuals.¹⁷¹ To qualify for this latter benefit, individuals must provide identification and complete an in-person evaluation¹⁷² with a social worker to confirm that they are “under verifiable conditions of vulnerability or poverty.”¹⁷³ While this program has not been the central point of food donation operations, *comedores económicos* also deliver food to registered nonprofit institutions and thus may provide an alternative vehicle for distributing donated food to those in need.¹⁷⁴

CONCLUSION

This Legal Guide is intended to identify the Dominican Republic's current laws, policies, and programs that relate to food waste or food donation. While the government is primarily responsible for guaranteeing food security and sustainable food systems, food recovery organizations acting in a private capacity can provide an additional social safety net that reaches the most remote and food-insecure communities. The Dominican government is currently considering proposed legislation focused on food loss, waste, and donation but had not adopted a national law at the time of this writing. Even without an overarching framework, laws and regulations relating to food safety, date labeling, liability protection, and taxes significantly impact food recovery and donation operations around the country.

This Legal Guide provides a starting point from which policymakers, private-sector actors, and civil society may better understand the current laws and policies relevant to food donation. It also offers a foundation for dialogue about food loss and waste prevention and the value of food recovery to the Dominican Republic's food security, economic stability, and environmental sustainability. A separate document produced under The Global Food Donation Policy Atlas project sets forth policy recommendations specific to the Dominican Republic to contribute to this discussion. In the meantime, food donors and food recovery organizations should take into account the laws, policies, and legal issues discussed in this Legal Guide when donating food or facilitating the distribution of donated food to those in need. To better understand the regulation of food donation in the Dominican Republic, donors, intermediaries, and policymakers should investigate the laws identified in this Legal Guide and seek additional legal counsel, if necessary.

ENDNOTES

- ¹ FOOD & AGRIC. ORG. OF THE U.N., GLOBAL FOOD LOSSES AND FOOD WASTE—EXTENT, CAUSES, AND PREVENTION 4 (2011), <http://www.fao.org/3/a-i2697e.pdf>.
- ² *Id.*
- ³ HARV. L. SCH. FOOD L. & POL'Y CLINIC, KEEPING FOOD OUT OF THE LANDFILL: POLICY IDEAS FOR STATES AND LOCALITIES 1 (2016), https://www.chlpi.org/wp-content/uploads/2013/12/Food-Waste-Toolkit_Oct-2016_smaller.pdf.
- ⁴ FOOD & AGRIC. ORG. OF THE U.N., FOOD WASTAGE FOOTPRINT: IMPACTS ON NATURAL RESOURCES: SUMMARY REPORT 6 (2011), <http://www.fao.org/3/i3347e/i3347e.pdf>.
- ⁵ *Id.*
- ⁶ FOOD & AGRIC. ORG. OF THE U.N., FOOD WASTAGE FOOTPRINT & CLIMATE CHANGE 1 (2015), <http://www.fao.org/3/a-bb144e.pdf>.
- ⁷ *Id.*
- ⁸ FOOD & AGRIC. ORG. OF THE U.N., ET AL., *The State of Food Security and Nutrition in the World 2019: Safeguarding Against Economic Slowdowns and Downturns* 6 (2019), <http://www.fao.org/3/ca5162en/ca5162en.pdf>. This number has likely increased due to the novel coronavirus (COVID-19) pandemic. Projections indicate that the crisis may add between 83 and 132 million people to the total number of undernourished in the world in 2020. FOOD & AGRIC. ORG. OF THE U.N., ET AL., *The State of Food Security and Nutrition in the World 2020: Transforming Food Systems for Affordable Healthy Diets* 3 (2020), <http://www.fao.org/3/ca9692en/CA9692EN.pdf>.
- ⁹ G.A. Res. 70/1 at 22 (Oct. 21, 2015). “By 2030, to halve per capita global food waste at the retail and consumer levels and reduce food losses along production and supply chains, including post-harvest losses.”
- ¹⁰ The Global Food Donation Policy Atlas project would not be possible without the support of the Walmart Foundation. The Walmart Foundation is not responsible for the content of this document or the views contained herein. The content of this document should not be interpreted as legal advice; those seeking legal advice should speak to an attorney licensed to practice in the applicable jurisdiction and area of law.
- ¹¹ COMITÉ NACIONAL PARA LA PREVENCIÓN Y REDUCCIÓN DE PÉRDIDAS Y DESPERDICIOS DE ALIMENTOS (PDA) EN REPÚBLICA DOMINICANA, TALLER DE PRESENTACIÓN Y VALIDACIÓN DE LA PROPUESTA DE PLAN DE ACCIÓN 2017-2018 DEL COMITÉ NACIONAL. NOTA CONCEPTUAL 1 (2017), http://www.fao.org/fileadmin/user_upload/FAO-countries/Republica_Dominicana/docs/NotaConceptual_TallerCN_PDA_24.08.17.pdf.
- ¹² VICE PRESIDENCIA DE LA REPUBLICA DOMINICANA SISTEMA UNICO DE BENEFICIARIOS (SIUBEN), INDICE DE POBREZA MULTIDIMENSIONAL DE LA REPUBLICA DOMINICANA (2020), https://mppn.org/wp-content/uploads/2020/08/IPM-RD-2020_R13082020-p.-.pdf. There are no official statistics of food insecurity in the Dominican Republic. In 2017, 35.6% of the population was simultaneously experiencing acute deprivations in health, education, and living standards.
- ¹³ FLPC would like to express its gratitude to Bancos de Alimentos Republica Dominicana for its contribution to this Legal Guide as well as to many other NGOs, businesses, and government agencies that shared input with the FLPC team.
- ¹⁴ FLPC and GFN recognize that the legal and policy landscape relevant to preventing food loss and waste and promoting food donation is changing rapidly. Therefore, the contents of this Legal Guide reflect the state of the landscape at the time of this writing (August 2019 to December 2020).
- ¹⁵ *Dominican Republic: Overview*, THE WORLD BANK (Oct. 29, 2020), <https://www.worldbank.org/en/country/dominicanrepublic/overview>.
- ¹⁶ *La FAO acompaña al Gobierno dominicano en el desarrollo de la región Suroeste*, FAO (May 13, 2019), <http://www.fao.org/republica-dominicana/noticias/detail-events/es/c/1194272>.
- ¹⁷ FOOD & AGRIC. ORG. OF THE U.N., ET AL., *Panorama de la seguridad alimentaria y nutricional en América Latina y el Caribe 2018* 6 (2018), <http://www.fao.org/3/CA2127ES/CA2127ES.pdf>.
- ¹⁸ *Global Health Observatory Data Repository*, WHO, <https://apps.who.int/gho/data/node.main.BMIPLUS2C?lang=en> (last updated Sept. 29, 2017); *República Dominicana elabora protocolo para regular donación de alimentos*, FAO (Feb. 18, 2019), <http://www.fao.org/republica-dominicana/noticias/detail-events/en/c/1181149>.
- ¹⁹ *FAO supra* note 17 at 42.
- ²⁰ *Dominican Republic: Overview, supra* note 15.
- ²¹ *COVID-19: UN agencies warn against rising hunger in Latin America and the Caribbean*, UN NEWS (June 16, 2020), <https://news.un.org/en/story/2020/06/1066412>.
- ²² G.A. Res. 70/1 *supra* note 9 at 22.
- ²³ MINISTERIO DE LA PRESIDENCIA, PLAN NACIONAL PARA LA SOBERANÍA Y LA SEGURIDAD ALIMENTARIA Y NUTRICIONAL 2019-2022 (2018), <https://minpre.gob.do/wp-content/uploads/2018/10/Plan-SSAN-2019-2022-VF-WEB-1.pdf> [hereinafter “2019-2022 NATIONAL PLAN”].
- ²⁴ Ley No. 1-12 que establece la Estrategia Nacional de Desarrollo 2030, *Gaceta Oficial* No. 10656 (Jan. 26, 2011); Decreto 134-14, Reglamento Estrategia Nacional de Desarrollo 2030, No.134-14 (Apr. 9, 2014).
- ²⁵ Decreto No. 54-89 que crea el Departamento de Asistencia Social Adscrito a1 Poder Ejecutivo (Feb. 7, 1989); Decreto No. 179-05 dispone que en lo adelante el Plan Presidencial contra la Pobreza, se denominara Plan de Asistencia Social de la Presidencia (Mar. 21, 2005), <http://www.pasp.gob.do/index.php/sobre-nosotros/marco-legal>.
- ²⁶ *See, e.g.*, WFP, DOMINICAN REPUBLIC COUNTRY STRATEGIC PLAN (2019-2023), WFP/EB.1/2019/8-A/5 (2019), https://docs.wfp.org/api/documents/WFP-0000101927/download/?_ga=2.161783673.437142015.1612971021-581077688.160800882.
- ²⁷ 2019-2022 NATIONAL PLAN, *supra* note 23 at 48.
- ²⁸ Wanda Méndez, *475,000 familias han recibido alimentos crudos durante estado de emergencia por coronavirus*, LISTÍN DIARIO (April 7, 2020), <https://listindiario.com/la-republica/2020/04/07/612228/475000-familias-han-recibido-alimentos-crudos-durante-estado-de-emergencia-por-coronavirus>.
- ²⁹ *FAO supra* note 16.
- ³⁰ *República Dominicana refuerza compromiso con la prevención y reducción de pérdidas y desperdicios de alimentos*, FAO (Aug. 29, 2017), <http://www.fao.org/republica-dominicana/noticias/detail-events/en/c/1033080>. This number was estimated through a study encompassing the entire food chain, including farms, processors, importers, agribusinesses, wholesalers, hotels, and restaurants. *See* RELATORÍA DEL SENADO DE LA REPÚBLICA, TERCER DIÁLOGO REGIONAL “UN ESFUERZO COMPARTIDO HACIA LA PREVENCIÓN Y LA REDUCCIÓN DE PÉRDIDAS Y DESPERDICIOS DE ALIMENTOS,” 6-8 DE JUNIO DE 2017 4 (June 21, 2017), https://centroilbertobosques.senado.gob.mx/docs/Relatoria_Perdidas_Alimentos_060617.pdf.
- ³¹ GERO VAAGT, FOOD & AGRIC. ORG. OF THE U.N., PÉRDIDA DE ALIMENTOS EN REPÚBLICA DOMINICANA Y RECOMENDACIONES DE REDISTRIBUCIÓN 14, 15 (2014), http://www.fao.org/fileadmin/user_upload/FAO-countries/Republica_Dominicana/docs/Presentacion_Final_P_rdida_Alimentos_RD_Octubre_2014.pdf.
- ³² USAID Y CONSEJO NACIONAL DE COMPETIVIDAD, EVALUACIÓN DE LA CADENA DE FRÍO EN LA REPÚBLICA DOMINICANA 3 (2009), <http://www.competitividad.org.do/wp-content/uploads/2009/07/evaluacion-de-la-cadena-de-frio-en-la-republica-dominicana.pdf>.

³³ Action item 3.3.7.3, Ley No. 1-12 que establece la Estrategia Nacional de Desarrollo 2030, *Gaceta Oficial* No. 10656 (Jan. 26, 2011).

³⁴ See MINISTERIO DE ECONOMÍA, PLANIFICACIÓN Y DESARROLLO (MEPYD), MINISTERIO DE ECONOMÍA RECIBE DE AGRICULTURA EL “PLAN ESTRATÉGICO SECTORIAL AGROPECUARIO” (Oct. 24, 2019), <http://mepyd.gob.do/ministerio-de-economia-recibe-de-agricultura-el-plan-estrategico-sectorial-agropecuario>. Although not publicly available yet, the Strategic Plan for the Farming Sector, 2050 Vision could provide further guidance on food loss prevention and reduction.

³⁵ 2019-2022 NATIONAL PLAN, *supra* note 23 at 51.

³⁶ Senado de la República Dominicana, Proyecto de Ley para la Reducción de la Pérdida y Desperdicio de Alimentos, No.01305-2020-PL-SE (Feb. 10, 2020), <http://www.senado.gov.do/wfilemaster/Ficha.aspx?IdExpediente=30012&numeropagina=1&ContExpedientes=1964&Coleccion=53>; originally approved and submitted by Congress on January 29, 2020 as initiative No.07124-2016-2020-CD, registered with No.00793 [hereinafter “Food Loss and Waste-Reduction Bill”].

³⁷ Senado de la República Dominicana, Proyecto de Ley contra el Desperdicio de Alimentos, No.01291-2020-PL-SE (Jan. 30, 2020) [hereinafter “Food Waste Bill”].

³⁸ Food Loss and Waste-Reduction Bill, art. 4, 6.

³⁹ *Id.* art. 3, 3.

⁴⁰ *Id.* art. 17.

⁴¹ *Id.* art. 10.

⁴² *Id.* art. 14.

⁴³ *Id.*

⁴⁴ Food Waste Bill.

⁴⁵ *Id.* art. 10.

⁴⁶ *Id.*

⁴⁷ *Id.* art. 5, 2.

⁴⁸ CELAC, THE CELAC PLAN FOR FOOD AND NUTRITION SECURITY AND THE ERADICATION OF HUNGER 2025 (2014), <http://www.fao.org/3/a-bo925e.pdf>.

⁴⁹ Comité Nacional para la Prevención y Reducción de Pérdidas y Desperdicios de Alimentos, *Representantes del Comité Nacional para la Prevención y Reducción de Pérdidas y Desperdicios de Alimentos en la República Dominicana validaron su plan de acción para mitigar las pérdidas y desperdicios de alimentos que se producen en el país* (August 24, 2017), <https://www.flickr.com/photos/faodominicana/albums/72157685562549144>; Comité Nacional para la Prevención y Reducción de Pérdidas y Desperdicios de Alimentos (PDA) en República Dominicana, *supra* note 11.

⁵⁰ *Progresando con Solidaridad aporta 40% de canasta básica a más pobres*, DIARIO HISPANIOLA (Oct. 18, 2015), <https://www.diariohispaniola.com/noticia/16506/nacional/progresando-con-solidaridad-aporta-40-de-canasta-basica-a-mas-pobres.html>.

⁵¹ BANCO DE ALIMENTOS REPÚBLICA DOMINICANA, <https://bancodealimentosrd.org/page/home> (last visited Feb. 19, 2021).

⁵² *República Dominicana elabora protocolo para regular donación de alimentos*, FAO (February 18, 2019), <http://www.fao.org/republica-dominicana/noticias/detail-events/en/c/1181149>.

⁵³ Perla Tamares, *El Banco de Alimentos RD entregó en una semana más de 34,000 raciones alimenticias a instituciones necesitadas en medio de Covid-19*, RC NOTICIAS (April 14, 2020), <https://robertocavada.com/nacionales/2020/04/14/el-banco-de-alimentos-rd-entrego-en-una-semana-mas-de-34000-raciones-alimenticias-a-instituciones-necesitadas-en-medio-de-covid-19>.

⁵⁴ Article 61 (1) Constitución de la República Dominicana [Constitution of the Dominican Republic], June 13, 2015.

⁵⁵ Ley No. 176-07 del Distrito Nacional y los Municipios, *Gaceta Oficial* No. 10426 del 20 de julio del 2007 (July 17, 2007), http://www.adn.gob.do/joomlatools-files/docman-files/Ley_No_176-07.pdf.

⁵⁶ Decreto No. 710-04 que modifica el Artículo 46 del Decreto No. 685-00, que define las Regiones de Desarrollo en que se divide administrativamente la República Dominicana y establece una nueva regionalización del país (Jul. 30, 2004).

⁵⁷ The Dominican Republic-Central America-United States Free Trade Agreement, Aug. 2, 2005, Pub. L. No. 109-53, 119 Stat. 462.

⁵⁸ The Dominican Republic has been a member of *Codex Alimentarius* since 1977. Decree No. 170-01 created the National Committee on *Codex Alimentarius* (CONCA), establishing the Food Security and Nutrition Sub-Secretariat of SESPAS as the *Codex Alimentarius* contact point. Decreto No. 170-01 que crea e integra el Comité Nacional del Codex Alimentarius (CONCA), y pone en vigor el Reglamento de Funcionamiento del mismo, art. 10 (Jan. 31, 2001). The Decree also establishes that INDOCAL is the Executive Secretariat of CONCA, coordinating its technical subcommittees in order to harmonize *Codex Alimentarius*-related provisions. *Id.* art. 14, 15. See also CODEX ALIMENTARIUS: INTERNATIONAL FOOD STANDARDS, FAO-WHO, <http://www.fao.org/fao-who-codexalimentarius/en> (last visited Feb. 12, 2021).

⁵⁹ A compendium of all regulations related to food and feed safety in the Dominican Republic can be found at <http://inocuidad.agricultura.gob.do/documentacion-base-legal/?wpdmc=compndios> (over 1,000 pages, accessed May 2020). In 2017 the Dominican Ministry of Health notified the World Trade Organization (WTO) of a new Food Safety Regulation (*Reglamento Sanitario de Alimentos*) law project; however, no such proposal has been found within Congress or Senate commissions. See proposal as sent to WTO, https://members.wto.org/crnattachments/2017/TBT/DOM/17_4492_00_s.pdf.

⁶⁰ Ley General de Salud, No. 42-01, *Gaceta Oficial* No.10075 (Mar. 10, 2001) [hereinafter “General Health Law”]; Decreto No. 528-01 que aprueba el Reglamento General para Control de Riesgos en Alimentos y Bebidas en la República Dominicana (May 11, 2001), and the modifying Decreto No. 82-15 que crea la Dirección General de Medicamentos, Alimentos y Productos Sanitarios, bajo la dependencia del Ministerio de Salud Pública y Asistencia Social. *Gaceta Oficial* No. 10794 (Apr. 30, 2015) [hereinafter “General Food Regulation”].

⁶¹ Ley del Sistema Dominicano para la Calidad (SIDOCAL), No. 166-12, *Gaceta Oficial* No. 10681 (July 13, 2013).

⁶² General Health Law, art. 125.

⁶³ *Id.* art. 127. Although there is no perfect translation for “a cualquier título,” in this context it refers to any form of supply, whether against payment or for free.

⁶⁴ *Id.* art. 127.

⁶⁵ *Id.* art. 39.

⁶⁶ *Id.* arts. 109-113.

⁶⁷ Prior to 2015, SESPAS acted through its General Directorate for Environmental Health (*Dirección General de Salud Ambiental* or DIGESA) and its technical Department of Food and Beverage Risk Control (*Departamento de Control de Riesgos en Alimentos y Bebidas*). Since Decreto No. 82-15 was passed, SESPAS acts through the newly created DIGEMAPS; Decreto No. 82-15 que crea la Dirección General de Medicamentos, Alimentos y Productos Sanitarios, bajo la dependencia del Ministerio de Salud Pública y Asistencia Social. *Gaceta Oficial* No. 10794 (Apr. 30, 2015).

⁶⁸ General Health Law, art. 128.

⁶⁹ *Id.* art. 129.

⁷⁰ *Id.* art. 131.

⁷¹ General Food Regulation, arts. 393-396.

⁷² Regulatory oversight of food and food safety is somewhat fragmented: the Ministry of Agriculture oversees the production and harvesting phase of the supply chain through the *Dirección de Inocuidad de los Alimentos* and the *Departamento de Inocuidad Agroalimentaria* (DIA); the Ministry of Industry and Commerce

is responsible for quality control, accreditations, and consumer protection through its *Instituto Dominicano para la Calidad* (INDOCAL), *Organismo Dominicano de Acreditación* (ODAC), and Pro Consumidor; and the Ministry of the Environment and Natural Resources is delegated authority over waste and disposal regulations under pending bills, discussed later in this Legal Guide.

⁷³ Ley del Sistema dominicano para la Calidad (SIDOCAL), No.166-12, *Gaceta Oficial* No.10681, art. 48 I) [letter], (July 13, 2013).

⁷⁴ INSTITUTO DOMINICANO PARA LA CALIDAD, <http://www.indocal.gob.do>.

⁷⁵ Ley del Sistema dominicano para la Calidad (SIDOCAL), No.166-12, *Gaceta Oficial* No.10681, art. 1 1) (July 13, 2013). Recent proposed legislative developments would develop the role of CODOCA as a mixed private-public institution. See Proyecto de Ley 01003-2019, Ley que modifica la Ley No. 166-12, del 12 de Julio de 2012, del Sistema Dominicano para la Calidad (SIDOCAL) (Mar. 11, 2019).

⁷⁶ NORDOM 581, Higiene de los Alimentos. Principios Generales de Higiene de los Alimentos (Sept. 29, 2003), http://www.cedaf.org.do/globalgap/guia_globalgap_rd/leyes_reglamentos/Nordom%20581.pdf.

⁷⁷ NORDOM 53, Etiquetado general de los alimentos previamente envasados (pre envasados), (Nov. 27, 2014), <https://www.indocal.gob.do/2017/10/16/nordom-53>.

⁷⁸ *Id.*

⁷⁹ Ley del Sistema dominicano para la Calidad (SIDOCAL), No.166-12, *Gaceta Oficial* No.10681, Disposiciones Transitorias, Décimo Primero (July 13, 2013).

⁸⁰ Ley General de Protección de los Derechos del Consumidor o Usuario, No. 358-05 (Sept. 9, 2005) [hereinafter “Consumer Protection Law”].

⁸¹ *Id.* art. 5; see also Decreto No. 236-08, implementing the Consumer Protection Law.

⁸² Ley del Sistema dominicano para la Calidad (SIDOCAL), No.166-12, *Gaceta Oficial* No.10681, art. 109 (July 13, 2013). Pro Consumidor includes members of the Ministry of Industry and Commerce, the Ministry of Environment and Natural Resources, and representatives from the health sector, product-making companies, service providers, and consumer defense organizations. *Id.* art. 9.

⁸³ Código Tributario, Título II, Impuesto Sobre la Renta, Capítulo I, Sujeto y Objeto del Impuesto, art. 287, i).

⁸⁴ Ley No.2569-50, Impuesto sobre Sucesiones, art. 21, 2.

⁸⁵ *Servicio de Alimentación Escolar (PAE)*, INSTITUTO NACIONAL DE BIENESTAR ESTUDIANTIL (INABIE) Y MINISTERIO DE EDUCACIÓN (MINERD), <http://inabie.gob.do/index.php/servicios/servicio-de-alimentacion-escolar-pae> (last visited Feb. 18, 2021).

⁸⁶ Decreto No. 536-05 que crea el Programa Solidaridad dentro de la Red de Protección Social, y dicta otras disposiciones (Sept. 26, 2005); see more generally, *Progresando con Solidaridad: Marco Legal*, VICEPRESIDENCIA DE LA REPÚBLICA DOMINICANA, <https://progresandoconsolidaridad.gob.do/nosotros/marco-legal/> (last visited Feb. 18, 2021).

⁸⁷ Ley No. 5220, Ley General sobre División Territorial (1959).

⁸⁸ Ley No. 745, Distrito Nacional y Provincia Trujillo, *Gaceta Oficial* No. 4716 (Sept. 7, 1934).

⁸⁹ MINISTERIO DE ECONOMÍA, PLANIFICACIÓN Y DESARROLLO, OFICINA NACIONAL DE ESTADÍSTICA, DIVISIÓN TERRITORIAL 2015 19 (2015), <https://www.lmd.gob.do/transparencia/phocadownload/Publicaciones/Division-Territorial-2015.pdf>.

⁹⁰ *Id.*

⁹¹ Ley No. 176-07 del Distrito Nacional y los Municipios, *Gaceta Oficial* No. 10426 del 20 de julio del 2007, art. 19, i) (July 17, 2007), http://www.adn.gob.do/joomlatools-files/docman-files/Ley_No_176-07.pdf.

⁹² *Id.* art. 179, Párrafo II.

⁹³ Ley General No. 64-00 sobre Medio Ambiente y Recursos Naturales, art. 28, párrafo, 29 (Aug. 18, 2000).

⁹⁴ *Id.* art 79, párrafo, 106.

⁹⁵ *Ciudades del Perú avanzando hacia sistemas alimentarios sostenibles*, FAO (May 14, 2019), <http://www.fao.org/peru/noticias/detail-events/ru/c/1196527>.

⁹⁶ Verónica Calderón, *Se inauguró primera planta de Compostaje del Cercado de Lima*, LA REPÚBLICA (Apr. 22, 2019), <https://larepublica.pe/sociedad/1454803-alcalde-lima-inauguro-primera-planta-compostaje-cercado-fotos>.

⁹⁷ MILAN URBAN FOOD POLICY PACT (2015), <http://www.milanurbanfoodpolicypact.org/text>.

⁹⁸ There are several government ministries that contribute to the food safety oversight at various points of the supply chain: the Ministry of Agriculture is responsible for the production and harvesting phases of the food chain through its *Dirección de Inocuidad de los Alimentos* and the *Departamento de Inocuidad Agroalimentaria* (DIA); the Ministry of Industry and Commerce is responsible for quality control, accreditations, and consumer protection through the *Instituto Dominicano para la Calidad* (INDOCAL), *Organismo Dominicano de Acreditación* (ODAC), and Pro Consumidor, discussed later in this Legal Guide; and the Ministry of the Environment and Natural Resources has authority over waste and disposal regulations, which could ultimately address food waste. Other relevant governmental authorities include the *Comisión Nacional de Residuos e Higiene de los Alimentos* (CONAREHA) and the *Comité Nacional del Codex Alimentarius* (CONCA) (Decreto No. 170-01 que crea e integra el Comité Nacional del Codex Alimentarius (CONCA), y pone en vigor el Reglamento de Funcionamiento del mismo (Jan. 31, 2001)).

⁹⁹ General Health Law, art. 128.

¹⁰⁰ *Id.* art. 155-13.

¹⁰¹ *Id.* art. 128.

¹⁰² General Food Regulation, art. 336.

¹⁰³ *Id.* art. 469, g); see also the definition of “food suitable for consumption” under Title IX, Chapter XII “On Definitions” (6).

¹⁰⁴ General Food Regulation, art. 337.

¹⁰⁵ *Id.* Title IX, Chapter XII “On Definitions” (21).

¹⁰⁶ *Id.* arts. 393-396.

¹⁰⁷ *Id.* Title III, Chapter II.

¹⁰⁸ *Id.* art. 393.

¹⁰⁹ Decreto No. 40-08 que establece el Reglamento de Aplicacion de la Ley No. 122-05 sobre Regulacion y Fomento de las Asociaciones sin Fines de Lucro (ONG) en la República Dominicana (Apr. 8, 2005).

¹¹⁰ *Id.* art. 160.

¹¹¹ General Food Regulation, art. 394.

¹¹² *Id.* arts. 395-396.

¹¹³ *Id.* Title I, para II.

¹¹⁴ NORDOM 581, Higiene de los Alimentos. Principios Generales de Higiene de los Alimentos (Sept. 29, 2003), http://www.cedaf.org.do/globalgap/guia_globalgap_rd/leyes_reglamentos/Nordom%20581.pdf.

¹¹⁵ *Id.* arts. 3.6, 3.7.

¹¹⁶ See, e.g., Ley del Sistema dominicano para la Calidad (SIDOCAL), No.166-12, *Gaceta Oficial* No.10681, art. 48 I) [letter], (July 13, 2013), creating a robust

normative framework on food safety and quality control involving other government entities.

117 HARV. L. SCH. FOOD L. & POL'Y CLINIC & NAT. RESOURCES DEF. COUNCIL, DON'T WASTE, DONATE: ENHANCING FOOD DONATIONS THROUGH FEDERAL POLICY, 19 (2017),
118 <https://www.nrdc.org/sites/default/files/dont-waste-donate-report.pdf>.

119 U.S. GOV'T ACCOUNTABILITY OFFICE, GAO-19-407, DATE LABELS ON PACKAGED FOODS: USDA AND FDA COULD TAKE ADDITIONAL STEPS TO REDUCE CONSUMER CONFUSION
(2019), <https://www.gao.gov/assets/710/701238.pdf>.

120 HARV. L. SCHOOL FOOD L. & POL'Y CLINIC & NAT. RESOURCES DEFENSE COUNCIL *supra* note 119 at 19.

121 NORDOM 53, Etiquetado general de los alimentos previamente envasados (pre envasados), (Nov. 27, 2014), <https://www.indocal.gob.do/2017/10/16/nordom-53>.

122 General Food Regulation, art. 35.

123 *Id.* art. 35(c).

124 *Id.*

125 *Id.* art. 336.

126 *Id.* art. 469.

127 As noted above, NORDOM 53 is the only technical standard with binding character. NORDOM 53, Etiquetado general de los alimentos previamente envasados
(pre envasados), 5.8.1 f) (Nov. 27, 2014) <https://www.indocal.gob.do/2017/10/16/nordom-53/>.

128 As noted above, NORDOM 53 is the only technical standard with a binding character. NORDOM 53, Etiquetado general de los alimentos previamente envasados
(pre envasados), 5.8.1 f) (Nov. 27, 2014), <https://www.indocal.gob.do/2017/10/16/nordom-53>.

129 *Id.* 3.19.

130 *Id.* The date label is not required for items including fresh fruits and vegetables, alcoholic beverages, bakery goods, and seasonings such as solid sugar, vinegar,
and salt.

131 *Id.* 3.19.

132 *Id.* 5.8. For products with a maximum shelf life of three months, the date label must include a day and a year and be expressed as "best before..." For products
with a shelf life longer than three months, the label must feature a month and a year and be expressed as "consume preferably before the end of..."

133 *Codex Alimentarius International Food Standards*, FAO and WHO, <http://www.fao.org/fao-who-codexalimentarius/en> (last visited Feb. 19, 2021).

134 Decreto No. 170-01 que crea e integra el Comité Nacional del Codex Alimentarius (CONCA), y pone en vigor el Reglamento de Funcionamiento del mismo, art.
14, 15 (Jan. 31, 2001).

135 Decreto No. 528-01 que aprueba el Reglamento General para Control de Riesgos en Alimentos y Bebidas en la República Dominicana, art. 24, para. II (May 11,
2001).

136 *Id.* at 2.

137 *Id.*

138 *Id.*

139 NORDOM 53, Etiquetado general de los alimentos previamente envasados (pre envasados), 3.19 (Nov. 27, 2014), <https://www.indocal.gob.do/2017/10/16/nordom-53>.

140 Código Civil, arts. 1382-1386, <https://poderjudicial.gob.do/documentos/PDF/codigos/Codigocivil.pdf>.

141 Consumer Protection Law, art. 5.

142 Código Civil, arts. 1382-1386, <https://poderjudicial.gob.do/documentos/PDF/codigos/Codigocivil.pdf>.

143 *Id.* art. 1382.

144 Consumer Protection Law, art. 1.

145 *Id.* art. 101.

146 *Id.* art. 104.

147 *Id.* art. 3 (l).

148 *Id.* art. 3 (d).

149 *Pro Consumidor orienta sobre criterios para aceptación de donaciones de alimentos*, EL NACIONAL (Abril 20, 2012), <https://elnacional.com.do/pro-consumidor-orienta-sobre-criterios-para-aceptacion-de-donaciones-de-alimentos>.

150 *Id.*

151 Food Loss and Waste-Reduction Bill, art. 10.

152 Food Waste Bill, art. 19.

153 Código Tributario, Título II, Impuesto Sobre la Renta, Capítulo I, Sujeto y Objeto del Impuesto, art. 287, i).

154 Código Tributario, Título II, Impuesto Sobre la Renta, Capítulo I, Sujeto y Objeto del Impuesto, art. 287, i).

155 *Id.*

156 *Id.*

157 Decreto No. 40-08 que establece el Reglamento de Aplicación de la Ley No. 122-05 sobre Regulación y Fomento de las Asociaciones sin Fines de Lucro (ONG) en
la República Dominicana, art. 67 (Apr. 8, 2005).

158 *Id.* art. 160.

159 Food Waste Bill, art. 25, 26.

160 *Dirección General de Impuestos Internos*, ITBIS, <https://dgii.gov.do/cicloContribuyente/obligacionesTributarias/principalesImpuestos/Paginas/Itbis.aspx> (last
visited Feb. 19, 2021).

161 Food Loss and Waste-Reduction Bill.

162 *Id.* art. 10.

163 *Id.* párrafo II.

164 Food Loss Bill, art. 12.

165 COMITÉ NACIONAL PARA LA PREVENCIÓN Y REDUCCIÓN DE PÉRDIDAS Y DESPERDICIOS DE ALIMENTOS (PDA) EN REPÚBLICA DOMINICANA, TALLER DE PRESENTACIÓN Y
VALIDACIÓN DE LA PROPUESTA DE PLAN DE ACCIÓN 2017-2018 DEL COMITÉ NACIONAL. NOTA CONCEPTUAL 2 (2017), http://www.fao.org/fileadmin/user_upload/FAO-countries/Republica_Dominicana/docs/NotaConceptual_TallerCN_PDA_24.08.17.pdf.

166 Proyecto de Ley de Gestión Integral y Coprocesamiento de Residuos de la República Dominicana, No. 01306-2020-PL-SE (Feb. 10, 2020), <http://www.senado.gov.do/mlx/DOCS/1C/2/11/66CE/7B8E.htm>. See also *Diputados aprueban ley general de gestión integral de residuos sólidos*, LISTÍN DIARIO (December 12, 2019),
<https://listindiario.com/la-republica/2019/12/12/595559/diputados-aprueban-ley-general-de-gestion-integral-de-residuos-solidos>.

Proyecto de Ley de Gestión Integral y Coprocesamiento de Residuos de la República Dominicana, No. 01306-2020-PL-SE (Feb. 10, 2020), art. 123 <http://www>.

senado.gov.do/mlx/DOCS/1C/2/11/66CE/7B8E.htm.

¹⁶⁷ Ley No. 16, que crea los Comedores Económicos (June 23, 1942), developed in Decreto No. 2052 que regula el funcionamiento de los Comedores Económicos, *Gaceta Oficial* 6115 (Jul. 22, 1944).

¹⁶⁸ Ley No. 856, que pasa los Comedores Económicos creados por el Gobierno Dominicano, a ser una dependencia de la Secretaría de Estado de las Fuerzas Armadas (July 19, 1978).

¹⁶⁹ Decreto No. 1554-05, que establece el Programa de Protección Social, con el propósito de proteger los riesgos a la población de pobreza extrema y a la población en situación de vulnerabilidad social (Dec. 13, 2004).

¹⁷⁰ *Suministro de Raciones Cocidas de Alimentos Subsidiados*, Comedores Económicos del Estado Dominicano, <http://comedoreseconomicos.gob.do/index.php/servicios/item/275-gobierno-a-ciudadanos> (last visited Feb. 19, 2021). Meals are sold during weekdays at subsidized prices (10 DOP per meal, equivalent to 0.18 USD).

¹⁷¹ *Donación de Comida Cruda a Particulares*, Comedores Económicos del Estado Dominicano, <http://comedoreseconomicos.gob.do/index.php/servicios/item/234-suministro-de-raciones-cruadas-o-productos-alimenticios-al-granel> (last visited Feb. 19, 2021).

¹⁷² *Id.*

¹⁷³ *Id.*

¹⁷⁴ *Id.*



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**THE GLOBAL
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