

GUIDANCE

BEST PRACTICES FOR FOOD DONATION REQUIREMENTS

Guidance for Implementing
Article 9a of the 2025 E.U. Waste
Framework Directive Amendment

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About The Global Food Donation Policy Atlas

This guidance document and others for countries in the European Union were created as a partnership between FLPC and FEBA. This initiative is part of the Global Food Donation Policy Atlas, which is a global partnership between FLPC and the Global FoodBanking Network (GFN). 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 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. 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 <https://chlpi.org/food-law-and-policy>.



About the European Food Banks Federation

The European Food Banks Federation (FEBA) is a nonprofit organization which brings together more than 351 Food Banks and branches, with members in 30 countries in Europe. They recover surplus food, a large part of which would otherwise be thrown away, and redistribute it to charitable organizations and social centers taking care of people in need.



About The Global FoodBanking Network

The Global FoodBanking Network supports community-driven solutions to alleviate hunger in more than 40 countries. While millions struggle to access enough safe and nutritious food, nearly a third of all food produced is lost or wasted. GFN is changing that. GFN believes food banks directed by local leaders are key to achieving Zero Hunger and building resilient food systems. For more information, visit www.foodbanking.org.



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ABOUT THIS GUIDANCE DOCUMENT

Food loss and waste (FLW) continues to be one of the food system's greatest challenges. An estimated one-third of food produced globally is ultimately lost or wasted along the supply chain,¹ amounting to approximately 1.3 billion tons of food each year that ends up in landfills.² This large amount of FLW generates significant environmental, economic, and social consequences every year.³ Food that is lost or wasted has a huge carbon footprint of 4.4 gigatons,⁴ using roughly 30% of agricultural land⁵ and accounting for 8% to 10% of total global greenhouse gas emissions.⁶ The market value of food products lost or wasted is approximately \$1 trillion per year.⁷ Meanwhile, in 2024 almost 30% of the global population was moderately or severely food insecure,⁸ and up to 720 million people suffered from hunger.⁹

The issue of FLW, with its resulting social, economic, and environmental consequences, greatly impacts the European Union. In 2024, 8.5% of the EU population could not afford a quality meal every second day,¹⁰ yet EU Member States cumulatively waste around 59 million tonnes (~65 million tons) of food—with an associated market value of €132 billion—every single year.¹¹ This amount of food waste in the EU causes significant greenhouse gas emissions, consumes large quantities of water, impacts soil quality and availability, and leads to marine eutrophication.¹² Efforts to reduce food waste in the EU can save money across the supply chain, support food security, and mitigate the negative environmental impacts of food waste.¹³ Recognizing this, the EU and its Member States have taken steps to reduce FLW across the supply chain by: committing to meet the UN Sustainable Development Goal Target 12.3 to halve per capita food waste at the retail and consumer level by 2030 and reduce food losses along the food production and supply chains;¹⁴ launching the European Green Deal, with its focus on building sustainable, equitable, and healthy food systems;¹⁵ establishing the EU Platform on Food Losses and Food Waste;¹⁶ and enacting the Waste Framework Directive, the European Union's main legal framework for waste management, with measures to reduce organic waste and food waste.¹⁷

One important solution to FLW is food donation, as it can help solve multiple issues at once: redirecting wholesome, surplus food to those who need it both decreases FLW—therefore reducing its economic and environmental impacts—and increases food security. Most food donations are facilitated through “food recovery organizations” or charitable, non-governmental organizations that collect and then provide the food to local beneficiary agencies such as soup kitchens, shelters, and community pantries to feed low-income, food-insecure individuals. In the EU, 47% of food waste occurs along the supply chain before it reaches households (including in production, processing, retail, and food service),¹⁸ so reducing FLW will require the implementation of incentives or obligations that motivate supply chain actors to donate—rather than discard—safe surplus food.

In September 2025, the European Parliament and the Council adopted amendments to the Waste Framework Directive, which include both new binding national food waste reduction targets and a provision mandating that EU member states require select food businesses to propose food donation agreements with food recovery organizations.¹⁹ While each Member State must transpose this amendment into their national law by June 17, 2027,²⁰ the transposition and implementation of this new requirement may vary among Member States as the Directive leaves it up to states to address the details of this requirement.

This Guidance document will provide useful information on food donation policies to policymakers and food system stakeholders within Member States to support Member States in designing their food donation requirements to comply with the 2025 Waste Framework Directive Amendment. First, this Guidance provides a detailed comparative analysis of the components of food donation requirements from 12 national and subnational jurisdictions. Then, this Guidance provides background information on the Waste Framework Directive and the 2025 amendment. Next, there is a detailed overview of what a food donation agreement entails. Finally, this document outlines best practices for designing and implementing an effective policy for food donation requirements, as required by the Waste Framework Directive amendment. Drawing from experiences spanning jurisdictions both within and outside the EU, these practices identify the key elements that Member States should consider when crafting their food donation requirements in order to help make donation partnerships that functional, fair, and enforceable.

This Guidance was created as part of The Global Food Donation Policy Atlas project, an ongoing effort to identify and explain national laws relating to food waste and donation, analyze the most common legal barriers, and share best practices and recommendations for overcoming these barriers. The Atlas is a global partnership between the Harvard Law School Food Law and Policy Clinic (FLPC) and the Global FoodBanking Network (GFN), in partnership with the European Food Bank Federation (FEBA) for all research related to European countries and the EU, including this Guidance. This document is built upon legal and policy research conducted in more than 30 countries around the globe, including several across Europe. More information about these countries and other legal and policy issues relevant to food waste and food donation can be found on the Global Food Donation Policy Atlas project site (www.atlas.foodbanking.org).





RECOMMENDATIONS IN THIS GUIDANCE

The recommendations presented in this Guidance provide a practical starting point for Member States seeking to operationalize the food donation agreement provision of the amended Waste Framework Directive and strengthen national food waste prevention systems. Food banks and other organizations working to reduce food loss and waste and increase food donation (collectively referred to as “food recovery organizations”), food businesses, and policymakers may use these recommendations to inform implementation strategies and to support evidence-based advocacy.

The recommendations are as follows:

To ensure that safe, nourishing surplus food is donated to food recovery organizations, Member States should:

- **Delineate precisely which types of surplus food generators are covered under their food donation requirements so covered entities are fully aware of their responsibilities**
- **Design phased and tiered policies that cover more surplus food generators over time**
- **Require covered surplus food generators to divert as much edible surplus food as possible**
- **Include robust enforcement mechanisms for food donation requirements and impose penalties for noncompliance**
- **Recommend criteria for food donation agreements that improve clarity, reliability, and accountability**
- **Provide covered entities with model agreement language**

To promote equitable and feasible implementation for food recovery organizations and food donors, Member States should:

- **Develop national or regional food recovery capacity assessments to evaluate storage, transportation, and workforce readiness among food recovery organizations and identify gaps**
- **Allow limited waivers or exemptions to food donation requirements where necessary, especially considering the “reasonable costs to economic operators”**

BACKGROUND

POLICY APPROACHES TO FOOD DONATION REQUIREMENTS

A growing number of jurisdictions across the globe have adopted legal frameworks to ensure surplus food is maintained in the food supply by formalizing surplus food donation requirements. This section provides an overview of countries that require businesses to donate surplus food, beginning with European Union Member States and followed by non-EU jurisdictions. These laws vary in scope and enforcement mechanisms but share the common goal of redirecting edible food from waste streams through requirements on food waste generators. Some jurisdictions enforce their food donation laws by requiring written donation agreements between food business operators and food recovery organizations, and others use other mechanisms to ensure compliance. **Table 1** below highlights these policy differences by providing a brief overview of the structure of each country’s food donation requirement along the following parameters: which entities are covered under the law; whether food donation agreements are required; and penalties and enforcement for non-compliance. To further support Member States in policy design, **Table 2** below compiles the list of surplus food generators that have been covered by food donation requirements in any jurisdiction and provides the business types and thresholds for covered entities.

The Appendix of this document provides greater depth of information into each country’s food donation requirement, policy components, and development over time.

Table 1: Comparison of Food Donation Requirement Policy Components

Jurisdiction	Covered Entities	Requires Written Agreements	Other Enforcement & Penalties
National Policies			
Czech Republic ²¹	Food business operators , ²² with sales area ≥ 400 m ²	No	Fines (CZK 10,000,000) for non-compliance
Colombia ²³	All public entities and businesses involved in the production, harvest, distribution, handling, storage, and selling of food products	No	Fines (vary by business size) for noncompliance
Ecuador ²⁴	All food producers, processors, distributors, marketers, and importers	No	Fines (up to 200% of the “standard worker’s salary”) for noncompliance
Finland ²⁵	Food business operators , at reasonable cost	No	Fines or jail time, based on nature and extent of the violation
France ²⁶	Food retailers , with sales area ≥ 400 m ² ; Agri-food businesses , with annual revenue > €50 million; Collective caterers , who prepare > 3,000 meals per day; Food wholesalers , with annual revenue > €50 million	Yes	Fines (€1,500–€3,000) for noncompliance; administrative enforcement
Mexico ²⁷	Commercial establishments	No	Not specified

Jurisdiction	Covered Entities	Requires Written Agreements	Other Enforcement & Penalties
National Policies (Continued)			
Poland ²⁸	Food retailers and wholesalers , with sales area ≥ 250 m ² and with food sales constituting ≥ 50% of revenue	Yes	Administrative fine (PLN 5,000) for not establishing agreement; penalties for wasting food (PLN 0.1/kg of wasted food); annual reporting required
Peru ²⁹	Supermarkets; Food Warehouses	No	Not specified
Spain ³⁰	All agents in the supply chain , EXCEPT: manufacturers, retailers, distributors, hospitality, and restaurants with sales/operation area ≤ 1,300 m ² , unless they are part of a chain with total sales area > 1,300 m ²	Yes	Fines (€2,000–€500,000) for noncompliance
Subnational Policies			
Mexico – Chiapas, ³¹ Coahuila de Zaragoza, ³² and Oaxaca ^{33*}	Producers; Transporters; Food Storage; Manufacturers; Packagers	Yes, for those are engaged in the “industrial production or marketing of food”	Fines, penalties, and restrictions on business activities apply, based on nature and extent of violation(s)
United States – California ³⁴	Supermarkets; Grocery Stores , with facility size ≥ 10,000 ft ² ; Food Service Providers; Food Distributors; Wholesalers; Restaurants , with either ≥ 250 seats or with facility size ≥ 5,000 ft ² ; Hotels , with on-site food facilities and with ≥ 200 rooms; Health Facilities , with on-site food facilities and with ≥ 100 beds; Permanent Venue Facilities , that annually seats or serves an average of > 2,000 individuals per day; Large Event , that serves an average of > 2,000 individuals per day of event; State Agency Cafeterias , with either ≥ 250 seats or facility size ≥ 5,000 ft ² ; Local Educational Facilities , with on-site food facilities	Yes	Local fines (\$50–\$500) for noncompliance; Local administrative penalties (e.g. revoking or denying permits); State Department fines (\$500–\$10,000 per day) for noncompliance
United States – New York ³⁵	All business entities, partnerships, companies, corporations, non-profits, associations, government entities, public benefit corporation, public authorities, firms, or organizations , that generate ≥ 2 tons food scraps per week, EXCEPT: food scraps generators in cities with population ≥ 1 million that has food waste diversion policy in place AND hospitals, nursing homes, adult care facilities, K-12 schools; Supermarkets , with sales area > 10,000 ft ² that generate annual average < 2 tons food scraps per week	No ³⁶	Fines (\$1,000 per day) for noncompliance; additional administrative penalties may apply

* Only three states in Mexico have food donation requirements that strictly require specific types of entities to donate surplus, edible food and enforce the requirement through fines and penalties. Twelve other states have passed food donation laws that have varying food donation requirements and enforcement mechanisms. For more information on these states' policies, see Appendix B: Mexico below.

Table 2: Types of Covered Surplus Food Generators

Type of Surplus Food Generators	Policy Parameters	Examples of Jurisdictions Requiring Donation
Retailers	Amount of surplus food generated*, size (sales area of individual store or of chain of stores), annual revenue, food sales %	Czech Republic, Finland, France, Poland, Spain, Colombia, Ecuador, Mexico, Peru, California, New York
Wholesalers	Amount of surplus food generated*, size (sales area), annual revenue	Czech Republic, Finland, France, Poland, Spain, Colombia, Ecuador, Mexico, California, New York
Producers/Farmers	Amount of surplus food generated*, annual revenue	Spain, Chiapas, Coahuila de Zaragoza, Colombia, Ecuador, New York, Oaxaca
Processors	Amount of surplus food generated*, annual revenue	Finland, France, Spain, Chiapas, Coahuila de Zaragoza, Colombia, Ecuador, Mexico, New York, Oaxaca
Distributors	Amount of surplus food generated*, annual revenue	Finland, France, Spain, Colombia, Ecuador, Mexico, California, New York
Importers	Amount of surplus food generated*, annual revenue	Finland, France, Spain, Colombia, Ecuador, New York
Transporters	Amount of surplus food generated*, annual revenue	Finland, France, Spain, Chiapas, Coahuila de Zaragoza, Colombia, New York, Oaxaca
Warehouses/Storage Facilities	Amount of surplus food generated*, annual revenue	Finland, France, Spain, Chiapas, Coahuila de Zaragoza, Colombia, Peru, New York, Oaxaca
Collective/Institutional Caterers	Amount of surplus food generated*, meals served, size (seats available)	France, Spain, California, New York
Hotels/Hospitality	Presence of on-site food facilities, size (available rooms/beds)	California, New York
Restaurants	Amount of surplus food generated*, size (sales area, seats available), annual revenue, average meals served	Czech Republic, Finland, Spain, Colombia, California, New York
Permanent Venue Facilities (i.e., stadium, performing arts center, civic center) ³⁷	Size (physical space, attendee capacity), annual average attendees	Czech Republic, Finland, Spain, Colombia, California, New York
Large/One-Time Events (i.e., sporting event, flea market) ³⁸	Size (physical space, attendee capacity), average attendees, expected attendance	Czech Republic, Finland, Spain, Colombia, California, New York
Food Service Providers	Amount of surplus food generated*, revenue, meals served	Czech Republic, Finland, Spain, Colombia, California, New York
Healthcare Facilities	Presence of on-site food facilities, size (available rooms/beds)	California
Higher Educational Facilities	Amount of surplus food generated*, size (food service physical area, residences available), student population	New York

Type of Surplus Food Generators	Policy Parameters	Examples of Jurisdictions Requiring Donation
Local Educational Facilities	Amount of surplus food generated*, size, meals served, student population	California
Public/Government Facilities	Amount of surplus food generated*	New York
Military Bases	Amount of surplus food generated*	New York
Correctional Facilities	Amount of surplus food generated*, capacity, occupancy	New York
Malls & Shopping Centers	Amount of surplus food generated*, size	Czech Republic, Finland, Spain, Colombia, New York

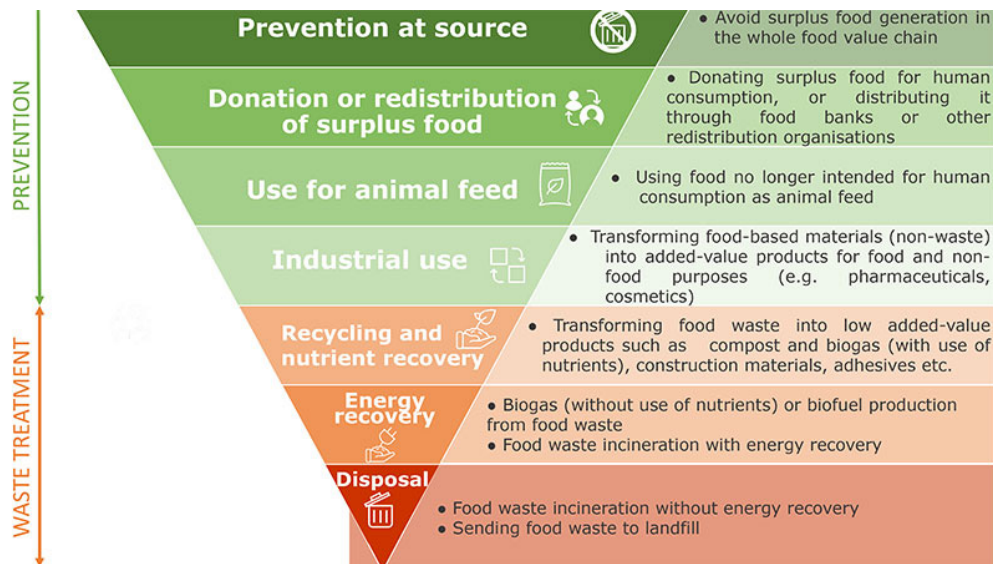
* New York state does not differentiate between types of surplus food generators and instead distinguishes covered generators from non-covered generators by the **amount** of surplus food generated.³⁹ This means that any person or entity that surpasses the waste generation tonnage threshold is covered by the law and must donate food. Some U.S. states also use this model to determine which generators are covered under their organic waste bans.⁴⁰

THE WASTE FRAMEWORK DIRECTIVE

The Waste Framework Directive (WFD) is the European Union’s main legal framework for waste management and sets out principles of reducing, reusing, and recycling waste across Member States.⁴¹

Under the 2008 Waste Framework Directive, formally known as Directive 2008/98/EC¹², Member States must apply the following waste management hierarchy: prevention, preparing for re-use, recycling, recovery, and disposal.⁴² Article 22 defines “bio-waste” as “biodegradable garden and park waste, food and kitchen waste from households, restaurants, caterers and retail premises and comparable waste from food processing plants” and encourages the separate collection and treatment of bio-waste for composting and digestion, or other environmentally safe methods of treatment or repurposing of bio-waste.⁴³

In 2018, the WFD was revised to specifically require Member States to monitor and reduce food waste at each stage of the supply chain.⁴⁴ It required Member States to establish food waste prevention programs, encourage food donation, and provide incentives for the application of the waste hierarchy. The 2018 WFD revision also explicitly prioritizes human consumption over animal feed or nonfood reprocessing, such as composting and anaerobic digestion.⁴⁵ To support the WFD’s prioritization for surplus food, the European Commission updated the general “Waste Hierarchy”⁴⁶ from the WFD into a “Food Use Hierarchy” (pictured on the next page) that clarifies how to ensure food goes to its highest use.



Source: European Commission Joint Research Centre, *Building Evidence on Food Waste Prevention Interventions* (2024), <https://dx.doi.org/10.2760/684291>.

In September 2025, the Council of Ministers and the European Parliament ratified an amendment (the “Amendment”) to the WFD,⁴⁷ and the Amendment officially entered into force on October 16, 2025.⁴⁸ On food waste, the Amendment sets the first ever EU-wide food waste reduction targets, requires greater coordination for food waste reduction within and across Member States, and strengthens food waste monitoring through unified methodologies.⁴⁹ The Amendment also requires Member States to ensure that entities with a significant role in food waste prevention and generation propose donation agreements with food recovery organizations to facilitate the donation of safe, surplus food.⁵⁰ While the Directive requires economic operators to propose donation agreements, this does not, on its own, ensure that agreements are concluded or that surplus food is actually redistributed in practice—these outcomes depend on national implementation of this requirement. The new food waste provisions in the Amendment and their impact on Member States are described in further detail in the sections below. Member States will have until June 17, 2027 to transpose or adopt the Amendment into their national laws.⁵¹

KEY FOOD WASTE PROVISIONS OF THE 2025 WFD AMENDMENT

The 2025 revision of the Waste Framework Directive builds upon the foundational principles of waste prevention and circular economy established in 2008 and refined in 2018.⁵² The new food donation requirement, and other key food waste provisions introduced in the Amendment, are detailed below. This Guidance highlights how each new provision may impact food recovery organizations once these provisions are fully transposed and implemented.

The Consultation and Food Donation Agreement Requirement (Article 9a(1))

As noted above, one of the most significant new provisions requires Member States to ensure that major food waste generators “propose” formal donation agreements with food recovery organizations.⁵³ Here, “propose” means that food businesses must make a sincere effort to enter into donation agreements, but food recovery organizations retain the right to accept and enter into agreements as they see fit.

This Guidance will focus mostly on best practices in the implementation of this provision, with a specific focus on how food recovery organizations can and should participate in the transposition of these policies to EU

Member States. The provision states that:

“Member States shall, after consulting with food banks and other food redistribution organisations, take measures, where appropriate, on the basis of any existing national food donation system, to ensure that economic operators identified by Member States as having a significant role in the prevention and generation of food waste, propose donation agreements to food banks and to other food redistribution organisations so as to facilitate the donation of unsold food that is safe for human consumption, and at a reasonable cost to economic operators.”⁵⁴

As Member States are required to consult with food recovery organizations in the establishment of this food donation agreement requirement in their country, food recovery organizations will be influential in Member States’ policy design process. The more involved food recovery organizations are in developing food donation policies, the more closely aligned these policies will be with the actual needs of people experiencing food insecurity and the organizations that engage in food recovery and support them. It is crucial for Member States to incorporate feedback from food recovery organizations as they draft their food donation requirements.

Also, as major food waste generators will be required to propose written donation agreements, food recovery organizations will be increasingly approached as contractual counterparties rather than informal charitable partners. This change may require food recovery organizations to engage more regularly in contract review and negotiate provisions on food safety responsibilities and liability for donated food. With these new requirements soon to be in effect across the EU, food recovery organizations should actively work with Member States to identify gaps in food recovery infrastructure; and Member States, in return, should strategize how best to provide adequate support and capacity building for food recovery organizations to handle the increased volumes of donated food.

Other Key Food Waste Provisions of the Amendment

Binding Food Waste Reduction Targets (Article 9a(4))

For the first time, the Amendment establishes legally binding national food waste reduction targets. Member States must reduce food waste in both upstream and consumer-facing parts of the supply chain by 2030.⁵⁵ The provision additionally establishes several binding reduction targets by 2030, namely (i) a 10% reduction in food waste from processing and manufacturing, and (ii) a 30% per capita reduction in retail, food service and household sectors, relative to the 2021-2023 average baseline.⁵⁶

For food recovery organizations, the introduction of binding national food waste reduction targets is likely to increase both the volume and regularity of donated food. As food businesses seek to comply with waste reduction obligations, more surplus food may be redirected to charitable distribution rather than disposed of, though this volume may change as food waste is systematically reduced.⁵⁷ In practice, food recovery organizations may be asked to meet stricter documentation and reporting expectations, including providing confirmation of receipt, safe handling, and redistribution. Increased supply may also strain existing cold storage, transportation, and volunteer capacity of food recovery organizations.

Increased Measuring and Monitoring of Data (Article 9a(2)-(3))

The Amendment strengthens monitoring obligations by requiring Member States to measure food waste using harmonized EU methodologies.⁵⁸ Member States must conduct mandatory national monitoring of food waste levels and apply EU-adopted measurement standards when doing so.⁵⁹ They are also required to undertake ongoing assessments of their progress toward achieving national food waste reduction targets.⁶⁰

These enhanced monitoring regimes are likely to increase expectations around data collection, reporting, and cooperation with national authorities. Food recovery organizations may be asked to provide standardized data on the quantities, categories, and destinations of donated food, as well as information

on food safety outcomes and redistribution rates. This may require upgrades to intake tracking systems, record-keeping practices, and staff training at food recovery organizations.

Infrastructure for Separate Collection of Food Waste (Article 11(1))

The Amendment requires Member States to make food waste prevention operationally feasible by investing in physical infrastructure that supports the separate collection and management of food waste.⁶¹ In particular, Member States must ensure there is sufficient territorial and material coverage of separate waste collection systems so that food waste can be effectively separated, collected, and treated.⁶²

National Food Waste Prevention Programmes (Article 29a)

Member States are now required to establish formal governance structures to manage the implementation of food waste reduction obligations through the creation and updating of national food waste prevention programmes.⁶³ These programmes must be aligned with the prevention duties set out in Article 9a and administered by competent national authorities that must be designated by 17 January 2026, with national programmes submitted to the European Commission by 17 October 2027.⁶⁴

Food recovery organizations may face new expectations to contribute operational data, engage in national planning processes, and align their internal practices with evolving national strategies for food waste prevention. On the other hand, as each Member State builds more streamlined food waste prevention systems through these programmes, food recovery organizations may also benefit, as more comprehensive data can more accurately indicate the needs of the food recovery sector. Member States will then be able to allocate more resources toward food recovery infrastructure and capacity building.

Coordination and EU-Level Knowledge Sharing (Article 9a(9))

Article 9a(9) introduces a new obligation for Member States to actively coordinate their food waste prevention efforts and to participate in EU-level knowledge sharing mechanisms, including through the EU Platform on Food Losses and Food Waste.⁶⁵ This provision is designed to promote the exchange of best practices and better inform policy and accelerate effective food waste prevention strategies across the EU.

This increased cross-border coordination may lead to greater standardization of operational practices across Member States and more consistent guidance on food safety and eligibility. Food recovery organizations may be involved in this collaborative effort, as they may be asked to work with Member States in deciding which standards, guidance, and practices are most beneficial to operational efficiency. As Member States utilize shared knowledge and implement food waste reduction strategies, food recovery organizations will have access to improved resources and capacity support.



COMPONENTS AND STRUCTURE OF A FOOD DONATION AGREEMENT

Food recovery organizations often establish framework contracts or agreements with donor businesses. These agreements help set the framework for an ongoing partnership between these groups and can remove barriers to donation by providing donors with clear information about when and how to donate surplus food. Formalized agreements also establish clear responsibilities for food handling, traceability, and compliance with food safety regulations.⁶⁶ These agreements support operations by setting expectations for frequency of collection, storage conditions, and recordkeeping, which helps all parties plan logistics and reduce waste.⁶⁷ By encouraging written agreements between food donors and recovery organizations, the Directive supports food recovery organizations as they build greater structure and reliability into food redistribution.

A food donation agreement can help to establish the working relationship between a food business and a food recovery organization. These agreements often include a clear statement of the overall objective of the agreement—to ensure that safe, surplus food is redirected for human consumption, rather than discarded.⁶⁸ Then, agreements can include any of the following provisions, detailing:

Conditions for donated food, such as:

- the types of food that may and may not be donated (what the food recovery organization is willing or able to accept);
- the labeling requirements for donated food;
- the quality and safety standards donated food must meet; and
- other safeguards to prevent the donation of unusable or unsafe food.⁶⁹

The governing operational procedures amongst the signatories, such as:

- the timing of food donation collection;
- the frequency of food donation collection;
- food donation transportation responsibilities;
- food donation storage requirements;
- recordkeeping and reporting obligations;
- inspection protocols at the point of transfer;⁷⁰
- cost-sharing arrangements for any of the above activities; and
- in jurisdictions without any laws providing liability protection for food donation, the agreed upon terms for liability in cases where food that is donated causes harm (even if the food meets all food safety requirements).⁷¹

Terms of the agreement, such as:

- duration of the agreement;
- procedures for renewal; and
- termination rights for involved parties.

BEST PRACTICES FOR FOOD DONATION REQUIREMENT POLICIES

The success of the Waste Framework Directive's food donation provisions will depend not only on how Member States translate them into national law, but also on how effectively they are implemented in practice. While the Directive establishes a uniform legal requirement for Member States to adopt, enforcement procedures, food recovery capacity, and coordination amongst Member States, donors, and food recovery organizations will vary widely across Europe. Looking to jurisdictions in the EU and across the world that have already implemented food donation requirements is informative as Member States seek to build these policies. By analyzing and evaluating the process and outcomes of food donation requirements across the globe, several best practices emerge that can help Member States design effective food donation policies. These best practices are below.

Given the unique conditions within each country, policymakers and food recovery organizations should adapt these recommendations to reflect their own logistical capacity, regulatory landscape, and available infrastructure. To support policymakers and policy advocates in establishing effective and relevant food donation agreement policies, each recommendation below is paired with a set of guiding questions focusing on relevant facets of food donation policies and enforcement mechanisms like agreements. Stakeholders within Member States should consider each of these questions as they draft, tailor, and implement food donation agreement requirements.

1.

MEMBER STATES SHOULD DELINEATE PRECISELY WHICH TYPES OF SURPLUS FOOD GENERATORS ARE COVERED UNDER THEIR FOOD DONATION REQUIREMENTS SO COVERED ENTITIES ARE FULLY AWARE OF THEIR RESPONSIBILITIES

The WFD Amendment directs Member States to require that “economic operators identified by Member States as having a significant role in the prevention and generation of food waste” propose donation agreements with food recovery organizations. While Member States may strive to cover as many surplus food generators as possible under their laws, complications can arise if policies are applied too broadly to “all economic operators.” This kind of language can be legally tenuous, as it does not clearly indicate which entities are being regulated, how different entities should comply with the law, and how enforcement of the requirement will be carried out. Laws that do not clearly indicate which entities are covered may be legally challenged, undermining the goals of improving food recovery and reducing food waste.⁷²

Member States may find that different types of entities within their country generate varying levels of surplus food. The individual context within each country should therefore inform which surplus food generators to cover under food donation requirements. For example, if a Member State finds that retailers generate an outsize proportion of national surplus food, policymakers could impose food donation requirements on retailers. Even within the specific categories of generators, Member States may use specific criteria to apply the requirement to larger generators, especially at the outset of the law. For example, if only *large* retailers are generating surplus food, the food donation requirement can be tailored to apply first or only to retailers of a certain physical size or that generate a certain annual income. Alternatively, Member States may decide instead to regulate generators not by their business type but simply by the volume of surplus food they generate or based on their annual revenue. Member States should consult with food system stakeholders and food recovery organizations to decide which surplus food generators should be covered under the national food donation requirement. Examples of surplus food generators that have been covered by food donation requirements in jurisdictions across the globe have been listed in Table 2 above.

Member States should also work closely with food recovery organizations to understand the types of food products that food recovery organizations are prepared to accept, store, handle, and redistribute. Depending on the available food recovery infrastructure provided by the Member States, the capacity of food recovery organizations, and the current state of food recovery in the jurisdiction, some types of food products may be more feasible to recover at the outset of the food donation requirement's adoption. For example, food recovery organizations within a Member State may indicate that they are most prepared to handle prepackaged foods but will need further support to be able to receive and distribute surplus on-farm produce. In that case, the Member State should implement a food donation requirement that covers wholesalers and retailers and should wait to cover producers until enough infrastructure and capacity support are provided to manage surplus on-farm produce.

Once Member States implement food donation requirements, they should clearly communicate which entities are covered under the requirements. In the United States, the state of New York provides a strong example of this practice. New York included in its statute a provision that the Department of Environmental Conservation must create and maintain a list of all surplus food generators that are covered by the state's food donation requirement,⁷³ and this list has been posted online every year since the statute was enacted.⁷⁴ Since New York applies a volume-based requirement (all generators who surpass a set threshold must donate surplus food), the state also published its official methodology for determining which surplus food generators fall under the law's purview.⁷⁵ By clearly listing which generators fall under the law's purview and providing transparency in its decision-making process, New York provides surplus food generators with ample notice and understanding of how and why they are being regulated, which makes its policy more effective at recovering surplus food and reducing food waste. This level of maintenance may not be feasible for all Member States, so Member States should consider how they can best communicate with covered entities and enforce these requirements.

Guiding Questions:

- Which economic operators generate the most surplus, edible food that can be redistributed to food recovery organizations?
- How much food can food recovery organizations currently accept due to infrastructure and capacity limits?
- Which types of food products are food recovery organizations prepared to receive and handle at this time?

2.

MEMBER STATES SHOULD DESIGN PHASED AND TIERED POLICIES THAT COVER MORE SURPLUS FOOD GENERATORS OVER TIME

An effective food donation requirement could support the recovery of surplus, edible food from many types of surplus food generators. However, it would not be practical or operational to pass, implement, and enforce this type of wide-reaching policy all at once. Thus, phased policy implementation—in which the policy is not implemented or enforced all at once, but is phased in over time or via different tiers—can allow governments to introduce donation obligations gradually. This process reduces disruption and gives businesses time to adapt and the food recovery infrastructure time to adapt and prepare.

France's legal framework is a clear example of this approach. When France first passed a food donation law, its requirements to prevent the destruction of edible surplus food and to establish donation agreements with charities applied only to large supermarkets (over 400 m²).⁷⁶ Through subsequent amendments, France expanded the scope of this law to include more surplus food generators. In 2019, the food recovery contract obligation and the ban on destroying unsold edible food extended to mass collective caterers (institutional cafeterias such as those in businesses, hospitals, and schools) that prepare over 3,000 meals daily and to operators in the agri-food industry whose annual turnover exceeds €50 million.⁷⁷ The 2020 Anti-Waste and

Circular Economy (AGEC) Law further extended these requirements to food wholesalers with more than €50 million of annual revenue.⁷⁸ This stepwise expansion shows how France used a phased model to build capacity before widening legal obligations.

California’s SB 1383 also implemented its food donation requirement using a tiered structure that applied in phases. At the outset of the law, it divided regulated entities into “Tier 1” and “Tier 2” generators, each with different compliance expectations and timelines.⁷⁹ Tier 1 generators include large supermarkets, grocery chains, food distributors, and wholesale food vendors,⁸⁰ and Tier 2 generators include restaurants, hotels with on-site food service, health facilities, and large venues and events.⁸¹ While both tiers of generators must follow the same food donation requirements, the deadline for enforcement was different for each tier. Tier 1 generators, who typically have more produce, fresh groceries, and shelf-stable foods to donate, were required to comply by January 1, 2022, while Tier 2 generators, who typically have more prepared foods to donate, were required to comply by January 1, 2024.⁸² This tiering system recognizes that different business types generate surplus food in different ways and allows generators as well as food recovery organizations the time to prepare, adapt, and implement food donation procedures by the time enforcement begins.

Spain’s 2025 Food Loss and Waste Prevention Law also utilizes a tiered system, applying different requirements to different generators. Manufacturers, retailers, distributors, hospitality businesses, and restaurants that are larger than 1,300 m² must follow a strict hierarchy of priorities to manage food waste: first they must take actions to prevent food waste, then they must recover it for consumption, then they may send it for use as animal feed or as another feed source, and finally, they may send it for recycling.⁸³ These larger food businesses must also adopt formal food waste prevention plans and establish redistribution agreements with charities or redistribution systems for surplus food.⁸⁴ Smaller businesses—with total sales area under 1,300 m² (that are not part of a chain of stores with a combined total sales area equal to or greater than 1,300 m²)—must follow the food waste hierarchy, but are not required to adopt food waste prevention plans.⁸⁵

Member States can utilize phased policy implementation and tiers of policy coverage to progressively widen the range of covered entities and ease growing pains as the food donation requirements begin to be enforced. As they determine the timeline and breadth of enforcement, Member States should consider the types of food products that different surplus food generators may be able to donate and the capacity of both the government to regulate these entities and food recovery organizations to accept higher volumes and perhaps different types of donated food.

Though the state of New York covers entities based on their volume of waste, not their generator type, the New York State Department of Environmental Conservation’s methodology for determining which entities should be covered under its food donation law is a helpful and informative resource.⁸⁶ Member States can utilize this guidance to help determine how to balance which parameters and thresholds to set in the early phases of their food donation requirements.

Guiding Questions:

- Looking at the type and size of businesses, the capacity of businesses to facilitate food donations, the amount of waste generated, and the proximity to a food recovery organization, which entities should be covered under the food donation agreement policy to start?
- How can the policy be implemented in phases?
- Can food waste generators be organized into separate tiers at the outset of the policy?
- Will the enforcing authority need more capacity or time to carry out enforcement? How can enforcement timelines account for these needs?
- Will food recovery organizations need extra time to prepare staff or infrastructure to receive types of food donations that differ from what they have experience handling?

3.

MEMBER STATES SHOULD REQUIRE COVERED SURPLUS FOOD GENERATORS TO DIVERT AS MUCH EDIBLE SURPLUS FOOD AS POSSIBLE

To ensure that food goes to its highest use—human consumption—all surplus food that meets health and safety requirements should be donated to food recovery organizations and distributed to people. All other food waste should be diverted from landfill to reduce harmful environmental impacts. While the Amendment requires Member States to have surplus food generators “propose donation agreements” with food recovery organizations, the requirement to propose an agreement does not ensure that food is actually being donated. Therefore, in order to maximize the redistribution of surplus food to people, Member States should establish and enforce requirements for covered generators to donate all of their surplus edible food to food recovery organization. The agreements between the businesses and food recovery organizations can serve to ensure that donation is taking place, but should be there to show that donation is occurring and should not be an end in themselves.

Poland has established a law that exemplifies this best practice. According to Poland’s Counteracting Food Waste Act, covered entities must pay fines for discarding any amount of surplus, edible food.⁸⁷ Further, the law requires that covered entities sign agreements with food recovery organizations to both donate food and run a food waste reduction education campaign.⁸⁸ This dual purpose in written agreements ensures that stores are recovering as much edible surplus food as possible while also teaching customers about how to prevent and manage food waste at home. By establishing a fine for wasting any surplus food and providing procedural requirements through food donation agreements, Poland ensures that covered entities donate as much surplus food as possible to food recovery organizations.

Further, in order to ensure the maximum amount of waste is diverted from landfill, the national laws should also require that any remaining food scraps, either those that are not fit for human consumption or that food recovery organizations reject (due to, for example, spoilage or nutritional profile) be sent to organics recycling or otherwise be diverted from landfills.

Guiding Question:

- Can the national law not only ensure that food donors are establishing agreements with food recovery organizations, but also require those generators to recover the maximum amount of surplus food?

4.

MEMBER STATES SHOULD INCLUDE ROBUST ENFORCEMENT MECHANISMS FOR FOOD DONATION REQUIREMENTS AND IMPOSE PENALTIES FOR NONCOMPLIANCE

Predictable and transparent enforcement helps businesses plan compliance strategies. France’s experience shows the importance of pairing strong legal obligations with clear enforcement mechanisms, as France initially struggled with inconsistent inspections and limited penalties when its food donation requirement law (often called the “Garot Law”) was first implemented.⁸⁹ Later reforms strengthened monitoring systems and increased the use of fines, improving overall compliance.⁹⁰

There are a few types of enforcement mechanisms that food donation policies could include to measure or check for compliance: utilizing food donation agreements, requiring food waste and food donation reporting, and tracking landfill organic waste. First, food donation requirements could include the requirement to

establish an agreement with a food recovery organization, similar to the Amendment’s requirement to propose an agreement.⁹¹ Failure to establish an agreement would be grounds for enforcement proceedings.

Second, food donation requirements could include reporting requirements for covered entities, food recovery organizations, or both, and failure to report on required metrics (or failure to improve these metrics) could be taken as noncompliance. Tracking food donation and food waste data ensures accountability, helps demonstrate compliance with both national and EU-level reporting obligations,⁹² and allows policymakers to assess progress toward food waste reduction targets.⁹³ Generators should be required to track and report on their surplus food generation, food waste, and donated food volumes. Other metrics, such as tracking the cost of donating food versus the cost of discarding food, may also be informative to Member States in evaluating the impact of food donation requirements, and could be incorporated into national policies. Reporting requirements for food recovery organizations could include tracking the amount of surplus food they receive, the quality of the donated foods, the costs of receiving, handling, and distributing larger quantities of surplus food, and compliance of donors with food donation agreement provisions. If imposing new tracking and reporting requirements on food recovery organizations, Member States should strive to pair these with financing or operational support. There are a few examples within Europe of surplus food reporting requirements (for generators and for food recovery organizations), such as those in France,⁹⁴ Finland,⁹⁵ and Spain.⁹⁶

Finally, food donation requirements could include inspections or tracking of landfill organic waste, as large amounts of edible food reaching landfills could indicate noncompliance with food donation requirements.⁹⁷

If Member States choose to require the donation of surplus edible food—beyond merely requiring the proposal of donation agreements—Member States should introduce policies that clearly indicate how enforcement will be carried out for noncompliance, and should consider pairing other enforcement mechanisms with the donation agreement requirement. Poland, for example, enforces compliance by requiring large retailers to sign formal agreements with food recovery organizations and submit annual reports detailing the quantities of food wasted and donated.⁹⁸ The law states that government authorities will impose administrative fees and financial penalties when businesses fail to comply and lays out how to calculate these penalties based on the type and severity of the violation.⁹⁹ Spain enforces its 2025 Food Loss and Waste Prevention Law by requiring businesses across the food supply chain to prepare food waste prevention plans and maintain donation agreements with food recovery organizations.¹⁰⁰ Regulators impose graduated fines that increase based on the severity and repetition of violations.¹⁰¹

Guiding Questions:

- Which authority should oversee compliance, and what forms of reporting or inspection should be required?
- What are the potential penalties for noncompliance, and how should they be calculated?
- In addition to requiring agreements between covered generators and food recovery organizations, are there other enforcement mechanisms that could track the amount of donations or ensure that as great proportion of surplus food as possible goes toward food recovery?

5.

MEMBER STATES SHOULD ESTABLISH RECOMMENDED CRITERIA FOR FOOD DONATION AGREEMENTS THAT IMPROVE CLARITY, RELIABILITY, AND ACCOUNTABILITY

If the goal of establishing food donation agreements is to support the operationalization of food donation, then a food donation agreement should provide both donors and recipient organizations with clarity as to who is responsible for each step of the donation process, which procedures to follow, and the relevant legal

requirements that bind each party. Agreements should also be detailed enough that when they are submitted to show compliance with a food donation policy, enforcing agencies can ensure they meet the requirement. Member States should therefore support clarity and accountability in food donation agreements by providing food recovery organizations with a set of recommended criteria that Member States find to be effective in facilitating food recovery. These criteria can include, for example, the parties' mutual understandings of any of the following terms (alongside what is specifically required by national laws):

- The party responsible for delivering or picking up surplus food;
- The agreed upon method of exchange;
- The packaging, labeling, or handling of donated food products;
- The frequency of donation;
- The party responsible for the costs of specific steps donation of the donation process;
- Any agreements on liability for donated food (in jurisdictions without liability protection for food donations);
- The procedure for managing food products rejected by the recipient organization(s);
- Recordkeeping requirements and procedures;
- Designated points of contact between the parties; and
- Procedures and timelines for reinstating expired or terminated food recovery agreements.

Jurisdictions that require food donation agreements include a variety of information in their policies to guide covered entities and food recovery organizations, sometimes enforcing mandatory provisions in these agreements. Both France and California, for example, have highly structured donation agreement requirements, relying on government-issued model contracts and detailed recordkeeping procedures.¹⁰² Spain's food waste reduction law also lays out specific components that must be included in each food donation agreement, namely: the collection, transportation, and storage conditions for donated foods, commitments from agents along the donation chain, a statement that the donor will decide which food is donated, and the acknowledgment that a recipient organization may reject donated food and that the donor will manage the return and handling of rejected products.¹⁰³ Poland's law also includes certain required components of food donation agreements, such as the time and manner of food waste transference, cost-sharing protocols, and the duration of the contract.¹⁰⁴ Once donation agreements have concluded or are terminated, Poland also requires businesses to reinstate agreements within 14 days (unless the business already has an agreement with another organization in place).¹⁰⁵ These policies provide useful examples for Member States as they deciding which components should be included in food donation agreements.

Guiding Questions:

- What minimum provisions should be mandatory in agreements (e.g. collection frequency, packaging standards, liability terms, recordkeeping, length of agreement)?
- Which contract terms are stakeholders most interested in having set in contract language, and should the government require that those terms are included in food donation agreements?

6.

MEMBER STATES SHOULD PROVIDE COVERED ENTITIES WITH MODEL AGREEMENT LANGUAGE

Even once covered entities are required to establish food donation agreements, creating such agreements from scratch can be an uncertain and burdensome process. Both food donors and food recovery organizations may not have the administrative capacity to draft agreements. Food donation agreement policies should therefore be paired with guidance and model language for covered entities and food recovery organizations to look to in their implementation of these requirements. For example, Member States can provide donors with detailed descriptions of food safety requirements for donated food or can create donation agreement

templates for donors and food recovery organizations to adapt to their own needs. France pioneered this approach in 2016 by issuing an official model agreement under the Garot Law, which defines key terms such as “edible” and “safe to donate.”¹⁰⁶ The French model agreement sets baseline expectations around liability and collection frequency. In Ecuador, the food donation requirement does not require donation agreements, but the law explains that contracts between surplus food generators and food recovery organizations can help to establish parameters around delivery and reception, distribution logistics, and use of the surplus food by the recipient organization.¹⁰⁷ California’s SB 1383 regulations also include a model agreement template that businesses can adapt to their operations.¹⁰⁸ However, the California model is more operationally detailed, with specific provisions on volume reporting, contamination standards, inspection rights, and dispute resolution.¹⁰⁹

However, even with model contracts, compliance can falter when quality standards are vague which may lead to retailers donating food that does not meet the quality or nutritional expectations of the food recovery organization. Model agreement language should therefore include clear statements of quality standards for food donations alongside enforceable legal requirements and definitions of what qualifies as “safe,” “edible,” and “acceptable” for donation.

Guiding Questions:

- Which government agency or agencies will be responsible for drafting a model food donation agreement?
- What are the most relevant components of local food recovery organizations’ agreements or model agreements in other jurisdictions that can be adapted as a national model agreement?

7.

MEMBER STATES SHOULD DEVELOP NATIONAL OR REGIONAL FOOD RECOVERY CAPACITY ASSESSMENTS TO EVALUATE STORAGE, TRANSPORTATION, AND WORKFORCE READINESS AMONG FOOD RECOVERY ORGANIZATIONS AND IDENTIFY GAPS

Donation systems only work at scale if food recovery organizations have the capacity to handle the volume of food redirected to them. Infrastructure barriers that diminish food recovery capacity include cold storage, transportation, staffing, and food safety training. France’s experience shows that early donation mandates can overwhelm smaller charities without adequate infrastructure, leading to food spoilage or inefficiencies.¹¹⁰

A few U.S. jurisdictions provide useful examples of how assessments can improve food recovery capacity. California requires county governments to measure both the amount of surplus food generated and the existing capacity of food recovery organizations and services within their jurisdiction, and then counties must submit plans to increase capacity to enable the recovery of all surplus food.¹¹¹ Counties must consult with food recovery organizations in measuring capacity and in submitting plans to increase capacity,¹¹² and building this requirement into the state-wide policy ensures that that consultation and engagement with stakeholders is built into capacity assessments. San Francisco, California conducted one of these comprehensive assessments and identified critical infrastructure gaps in the food recovery chain, such as shortages of refrigerated trucks and freezer space.¹¹³ These findings led the city to take a number of actions to accelerate food waste reduction efforts, including providing food waste education and technical assistance to stakeholders, offering food waste reduction grants, and improving food recovery data collection.¹¹⁴ Another U.S. locality, Boston, Massachusetts, also completed an assessment of its food waste recovery capacity to help the local government forecast how much surplus food could realistically be recovered under then-current conditions.¹¹⁵ Based on its findings, the city created and awarded grant funds specifically to support food recovery organizations to build up their cold chain infrastructure.¹¹⁶

Member States could use similar assessments to gather information about surplus food generation, food recovery capacity, and gaps between these two measurements. This process could help Member States to design provisions in food donation policies that directly address the gaps. For example, if a Member State finds that surplus food is being discarded because food recovery organizations cannot afford to pick up food from donors, the national food donation policy could include a requirement for donors to deliver food instead. The information gathered in an assessment can also help Member States make tailored investments in food recovery chains where needed. In the example provided, the Member State might instead solve the problem by providing grant funding to food recovery organizations for transportation costs, or the Member State could construct sites more central for donors and recipients to drop off and pick up food, like a community fridge. Food recovery assessments can be organized by national government bodies or can be delegated to local and regional government bodies to execute. Member States should include community and stakeholder participation within food recovery assessments to ensure that assessments are comprehensive and inclusive.

Guiding Questions:

- How much information is currently collected on food waste, surplus food, and food recovery capacity, and are there gaps in relevant data?
- Can food recovery assessments be standardized across the country? Is a national assessment more effective for this purpose, or would local or regional assessments be better suited for this?
- Can stakeholder engagement be built into assessments?

8.

MEMBER STATES SHOULD ALLOW LIMITED WAIVERS OR EXEMPTIONS TO FOOD DONATION REQUIREMENTS WHERE NECESSARY, ESPECIALLY CONSIDERING THE “REASONABLE COSTS TO ECONOMIC OPERATORS”

Temporary waivers and exemptions for food donation requirements can ensure that obligations remain feasible for smaller or resource-limited businesses. A waiver would allow a generator to apply for a temporary reprieve from food donation requirements if the generator can show their need for the waiver. An exemption would categorically except some types of generators (determined by the Member State) from the donation requirement. Several other jurisdictions provide explicit exemptions or temporary waivers to their food donation requirements. Some jurisdictions provide waivers for generators in rural areas, low-volume generators, or generators in areas where recovery services are unavailable or are difficult to reach. For example, California’s SB 1383 grants waivers for businesses that are within a county that has failed to increase food recovery to meet the jurisdiction’s needs, such that the donor did not have access to any adequate food recovery services.¹¹⁷

Exemptions from food recovery requirements allow some surplus food generators to not be covered by these requirements, often based on business type, size, or revenue. Food donation requirements can be applied broadly to certain categories of food generators, and then explicitly exempt some of those generators. One example of a food donation exemption is New York State’s food donation requirement, which currently applies to all entities that generate more than two tons of food scraps per week (this threshold will drop to one ton per week by 2027, and one-half ton per week by 2029),¹¹⁸ but includes a provision excluding the application of this requirement for healthcare facilities such as hospitals, nursing homes, and elderly care centers, or to K-12 schools.¹¹⁹

The Amendment mentions that food donation agreements should be implemented “at reasonable costs to economic operators,”¹²⁰ so Member States should ensure that cost factors are built into the waivers and exemptions they provide for their food donation agreement policies. This could look like offering waivers to covered entities that provide Member States with evidence or documentation indicating that requiring food recovery is cost-prohibitive; or, policies can include an affirmative metric for exempting surplus food generators based on the costs required to donate food.

Guiding Questions:

- Who should be eligible for exemptions, and based on which metrics (business type, location, donation volume, etc.)?
- What documentation must businesses provide to receive their exempt status?
- What resources are available to non-exempt businesses that need more support in building the necessary operational capacity to donate food?
- What should be the process for businesses that wish to apply for a waiver, and how long should the waiver last?
- How should our policy define “reasonable costs” for food donation? How will covered entities struggling with food recovery costs above that level be waived or exempted from this requirement?

CONCLUSION

Countries and sub-national governments across the world have adopted food donation requirements to increase food recovery and reduce food waste. Strong donation policies can provide much needed clarity and consistency for both donors and recipient organizations, which can help to ensure that surplus food makes its way to people who need it.

Now that the EU’s 2025 Waste Framework Directive amendment is in force, Member States will have to begin planning, drafting, and adopting national laws that transpose the new requirements into their jurisdictions. As one of the amended requirements is for businesses to propose food donation agreements with food recovery organizations, Member States and food recovery organizations supporting policy development should begin to consider how to structure these transposing laws. To support this process, this Guidance document provides a set of best practices to consider in the creation of food donation agreement requirements. Overall, the most effective food donation agreement laws will clearly identify covered entities, lay out the necessary factors of a food donation agreement, support relevant data collection, and enforce requirements stringently.

Alongside food donation agreements, other food donation policies can provide complementary benefits to food donors, recipient organizations, and people in need. These complementary policies include national strategies, clear food safety requirements for donation, date labeling policies that clarify post-date donation, liability protections for donated food, tax incentives, food waste deterrence policies (including organic waste bans and food waste recycling requirements), government funding to expand food recovery infrastructure, and reporting requirements. These other policies provide benefits to both donors and recipient organizations and remove obstacles in the way of greater food donation (and to learn more about these policies, visit the [Global Food Donation Policy Atlas](#) project). Member States should continue to explore paths forward in their food donation policy regimes so that they can further improve their food recovery and food waste reduction efforts.

APPENDICES

APPENDIX A: EU MEMBER STATES WITH FOOD DONATION REQUIREMENTS

Czech Republic

The Czech Republic has made major progress in fighting food waste through an amendment to the Czech Food and Tobacco Products Act,¹²¹ which now requires food business operators over 400 m² to donate unsold but still edible food to non-profit organizations that can distribute the food to people in need.¹²² The rule covers items that are safe to eat but may have damaged packaging or labels.¹²³ Failing to donate the food to a non-profit organization is a punishable offense under the law;¹²⁴ the State Agriculture and Inspection Authority may impose and collect a fine up to CZK 10,000,000 for violations of this requirement.¹²⁵ In 2019, the Constitutional Court upheld the law, reasoning that it supports environmental and social goals without violating property rights.¹²⁶ Since then, donations to food recovery organizations have tripled, and cooperation between retailers and nonprofits has grown.¹²⁷

Finland

In Finland, food businesses are required to measure, document, and reduce food waste, with an emphasis on data-driven accountability.¹²⁸ The country's Waste Decree mandates that unused food should be redirected for human consumption whenever it can be done safely and at reasonable cost.¹²⁹ Retailers and processors must keep detailed records of donations and recipients to maintain transparency.¹³⁰ Noncompliance can lead to penalties under Finland's Waste Act, which can include either fines or jail time, based on the extent of the violation.¹³¹

France

France is widely recognized as a global leader in food waste reduction due to its pioneering surplus food donation requirements.¹³² In 2016, France passed the "Garot Law" (*Loi Garot*) which requires large supermarkets, defined as those with more than 400 m² of retail space, to donate unsold but still edible food to accredited organization and prohibits destructive disposal practices like bleaching.¹³³ Violations in the original version of the law could result in fines ranging from €450 to €3,750, along with other possible administrative penalties.¹³⁴ The impact was immediate: 94% of supermarkets were donating surplus food by 2018, up from 64% before 2016, and donation quantities across the country increased by at least 30% within one year of the law's passage.¹³⁵

In the years since, France has built on the Garot Law's success. A 2019 update mandated donation quality management plans and staff training and extended the Garot Law requirements to mass collective caterers (institutional cafeterias such as those in businesses, hospitals, and schools) that prepare over 3,000 meals daily and to operators in the agri-food industry whose annual turnover exceeds €50 million.¹³⁶ The 2020 Anti-Waste and Circular Economy Law (AGEC) further extended these requirements to food wholesalers with more than €50 million of annual revenue.¹³⁷ Under the current version of the law, failure to comply with the donation obligation constitutes a "fifth class offense," and violators can be fined €1,500 for first offenses and up to €3,000 for repeat offenses, along with other possible administrative penalties.¹³⁸ Together, these measures form part of France's broader strategy to cut food waste in half by 2025.¹³⁹

Poland

Poland has taken major steps to curb food waste through its Counteracting Food Waste Act, passed in 2019.¹⁴⁰ The law now requires any store larger than 250 m² to partner with a social organization to collect and redistribute surplus food, ensuring that edible items do not go to waste.¹⁴¹ Stores that fail to partner with a food recovery organization may owe fines up to PLN 5,000.¹⁴² Businesses must also keep records and report how much food they discard, and they must pay a separate fine for wasting edible food, at a rate of 0.1 PLN per

kilogram of wasted food.¹⁴³ To make participation easier, the government also offers tax breaks, including VAT exemptions and corporate tax credits, for donated food.¹⁴⁴

Spain

Spain's Food Loss and Waste Prevention Law (Law 1/2025) is one of the most ambitious national efforts in Europe to tackle food waste.¹⁴⁵ The law covers "the entire food supply chain," from farms and processors to restaurants and supermarkets.¹⁴⁶ It requires all large food businesses to create food waste prevention plans and set up agreements with charities or redistribution systems for surplus food.¹⁴⁷ The law exempts manufacturers, retailers, distributors, hospitality businesses, and restaurants that are smaller than 1,300 m² from this requirement, unless they are part of a chain of stores with a combined total sales area equal to or greater than 1,300 m².¹⁴⁸ Food donation agreements must include the parties' agreed upon terms for the collection, transport, and storage of donated food products, a provision stating that the donor will decide which food is donated, and the recognition that a recipient may reject the food, so the donor will have to decide the conditions of return for the rejected food.¹⁴⁹ The law sets a clear order of priorities, focusing first on prevention, then donation, reuse as animal feed, composting, and finally energy recovery.¹⁵⁰ Businesses that fail to comply can face fines ranging from €2,000 to €500,000, depending on the seriousness of the violation.¹⁵¹

APPENDIX B: NON-EU COUNTRIES AND STATES WITH FOOD DONATION REQUIREMENTS

Colombia

Colombia's main food waste law—Law 1990 of 2019 (National Policy on Food Loss and Waste)—requires surplus food generators to donate food to non-profit food recovery organizations.¹⁵² The requirement applies to a broad range of surplus food generators, covering all public or private, national or foreign “legal persons” involved in the process of food production, harvest, distribution, handling, storage, and selling of food products.¹⁵³ According to Colombia's Civil Code, a “legal person” is any corporation or charitable foundation functioning within the country.¹⁵⁴ Therefore, this food donation requirement applies to all businesses along the food supply chain. Since the law also states that public legal persons are covered, it also applies to any government entities that are involved in the food supply chain or market and serve food.

According to the law, surplus food must be delivered free of charge to non-profit organizations that are certified to receive and handle the food for distribution to people in need.¹⁵⁵ The law imposes sanctions on any surplus food generators who are found to be noncompliant. Businesses that violate the food donation requirement have at least 60 days to correct these violations before any sanctions apply.¹⁵⁶ However, private entities that do not comply by this deadline will trigger a series of sanctions, including the publication of the violation to government websites and media outlets and administrative fines, ranging from one to forty times the monthly minimum wage, depending on company size.¹⁵⁷ Public entities that violate this food donation requirement will be investigated by the Attorney General to determine the appropriate disciplinary procedures.¹⁵⁸

Ecuador

Ecuador's 2022 food waste law prohibits any actor in the food supply chain from destroying edible food, applying broadly to producers, processors, distributors, marketers, and importers.¹⁵⁹ While Ecuador does not expressly require agreements, the food waste law encourages the establishment of food donation agreements to set parameters around delivery and reception, distribution logistics, and the use of the surplus food by the recipient organization.¹⁶⁰ Covered entities are required to donate edible surplus food before pursuing lower-use options such as animal feed, composting, or disposal, and must justify any destruction of edible food.¹⁶¹ Noncompliance can trigger significant financial penalties, reaching up to 200% of the national “standard worker's salary.”¹⁶²

Mexico

Although it does not explicitly mandate food donation, federal law in Mexico bans commercial establishments from discarding edible food and directs states to adopt these provisions.¹⁶³ While regulations to clarify how businesses must handle surplus food have not yet been passed, draft regulations indicate that the country will institute a food donation requirement that applies to commercial establishments.¹⁶⁴ In the meantime, food donation requirements vary widely from state to state, with some states requiring food donation while others simply incentivize it.¹⁶⁵ Many states that do require food donation do so by making it illegal within the state to discard surplus, edible food.¹⁶⁶

Chiapas, Coahuila de Zaragoza, and Oaxaca

Three states in Mexico have adopted laws that require select food supply chain actors to donate food products. In Chiapas, Coahuila de Zaragoza, and Oaxaca, each state's law mandates that producers, transporters, food storage businesses, and packagers donate surplus edible food free of charge to food recovery organizations and other charitable organizations that provide food products to people in need.¹⁶⁷ Those who produce or market food products must also attempt to enter food donation agreements (renewed annually) with potential recipient organizations.¹⁶⁸ Any required donor business who violates this requirement by discarding edible food or by denying or refusing to deliver surplus edible food to food recovery organizations will be sanctioned according to each state's administrative procedures.¹⁶⁹

Aguascalientes, Baja California, Chihuahua, Colima, Durango, Jalisco, Mexico City, Nayarit, Quintana Roo, Sinaloa, Tamaulipas, and Yucatán

In a number of other states in Mexico, the donation of food is not made explicitly mandatory as it is in the three states' laws above. However, in twelve other states in Mexico, the discard of surplus edible food, or failing to act to save edible food from being wasted, has been made illegal. The states of Aguascalientes,¹⁷⁰ Baja California,¹⁷¹ Chihuahua,¹⁷² Colima,¹⁷³ Durango,¹⁷⁴ Jalisco,¹⁷⁵ Mexico City,¹⁷⁶ Nayarit,¹⁷⁷ Quintana Roo,¹⁷⁸ Sinaloa,¹⁷⁹ Tamaulipas,¹⁸⁰ and Yucatán¹⁸¹ have all outlawed the unnecessary waste of edible food, though the states' laws vary in their application, restriction, and enforcement. For example, a number of these states do not indicate which specific entities are covered under the law, but instead broadly aim to reduce the waste of surplus food throughout the state.¹⁸² Also, some of these twelve states have laws that implement a food waste hierarchy that includes surplus food donation, but they do not mandate that generators do anything in particular to show that they are following the hierarchy.¹⁸³ Finally, some of these states include enforcement provisions, but these states fine and penalize businesses for discarding food products, not for failing to donate surplus food to food recovery organizations.¹⁸⁴

Peru

Peru's Law No. 30498 mandates food donation by supermarkets and food warehouses.¹⁸⁵ Covered entities must donate food in good condition that has lost commercial value but remains safe for human consumption, and are prohibited from destroying such food.¹⁸⁶ The law creates a regulated system of certified "recipient entities" (non-profit food banks and charities approved by the tax authority, SUNAT), requires donors to record the description and expiration date of donated packaged food, and mandates detailed recordkeeping of quantities and beneficiaries.¹⁸⁷ Donors can receive income-tax deductions and VAT benefits, but they lose tax benefits and face civil or criminal liability if food is donated in unsafe condition or if misuse occurs.¹⁸⁸

United States

California

California's food waste regulations require commercial surplus food generators to recover and donate edible food.¹⁸⁹ Generators must enter into written food recovery agreements with approved food banks or recovery services.¹⁹⁰ The law did not apply all at once, but instead used a tiered system to apply to a set of surplus food generators over time. In 2022, "Tier One" generators were covered, which meant any supermarket, grocery store with a total facility size equal to or greater than 10,000 square feet, food service provider, food distributor, or wholesale food vendor.¹⁹¹ Then, "Tier Two" generators were required to donate food starting in 2024, meaning it applied to any restaurant with 250 or more seats or a total facility size equal to or greater than 5,000 square feet, hotel with an on-site food facility and 200 or more rooms, health facility with an on-site food facility and 100 or more beds, large venue (including, but not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility) serving an annual average of 2,000 individuals per day, large event serving an average of 2,000 individuals per day, state agency with a cafeteria with 250 or more seats or a total cafeteria facility size equal to or greater than 5,000 square feet, and local education agency with an on-site food facility.¹⁹²

These regulations also require extensive documentation, including tracking the volume of food donated and recovered, and mandate that jurisdictions monitor compliance through inspections and audits.¹⁹³ Entities that violate these requirements can be fined by both local jurisdictions and the state. Local fines for noncompliance range from \$50 to \$500 per violation,¹⁹⁴ whereas the state may impose fines from \$500 per violation up to \$10,000 per violation per day.¹⁹⁵ California also provides a state-issued model agreement to standardize contract terms and reduce legal and operational uncertainty for businesses.¹⁹⁶

New York

New York's Food Donation and Food Scraps Recycling Law, which took effect in January 2022,¹⁹⁷ targets large food waste generators such as supermarkets, universities, hotels, and event venues. Businesses that produce an average of two tons or more of food per week must donate edible surplus food and then, if located within 25 miles of an organics recycler, they must recycle the remaining food scraps.¹⁹⁸ The waste threshold for covered businesses will drop to one ton per week by January 1, 2027, and then will drop again to one-half ton per week by January 1, 2029.¹⁹⁹ The Department of Environmental Conservation is tasked with enforcing the law on all covered entities.²⁰⁰ Noncompliant entities may be fined up to \$1,000 per day for violating this requirement,²⁰¹ and the Department may issue other administrative penalties as it sees fit.

ENDNOTES

- ¹ FOOD & AGRIC. ORG. OF THE U.N. (UN FAO), GLOBAL FOOD LOSSES AND FOOD WASTE—EXTENT, CAUSES, AND PREVENTION 4 (2011), <https://www.fao.org/3/i2697e/i2697e.pdf> [https://perma.cc/XY94-VA7L].
- ² *Id.* at 29.
- ³ See *Food waste in Europe: facts, EU policies and 2030 targets*, EUROPEAN PARLIAMENT (Sep. 11, 2025), <https://www.europarl.europa.eu/topics/en/article/20240318STO19401/food-waste-in-europe-facts-eu-policies-and-2030-targets#why-is-wasting-food-a-problem-3> [https://perma.cc/H2LE-FCDX].
- ⁴ UN FAO, FOOD WASTAGE FOOTPRINT & CLIMATE CHANGE 1 (2015), <http://www.fao.org/3/a-bb144e.pdf> [https://perma.cc/8CRL-PK2X].
- ⁵ UNITED NATIONS ENVIRONMENT PROGRAMME, FOOD WASTE INDEX REPORT 2024, at XI (2024), <https://www.unep.org/resources/publication/food-waste-index-report-2024> [https://perma.cc/62MY-UJTH].
- ⁶ *Id.*
- ⁷ *Id.*
- ⁸ UN FAO, IFAD, UNICEF, WFP, & WHO, THE STATE OF FOOD SECURITY AND NUTRITION IN THE WORLD 2025, at 14 (2025), <https://data.unicef.org/resources/sofi-2025/> [https://perma.cc/J4DJ-GYVC].
- ⁹ *Id.* at 5.
- ¹⁰ *Inability to afford a meal with meat, chicken, fish (or vegetarian equivalent) every second day*, EUROSTAT (Apr. 21, 2026), https://ec.europa.eu/eurostat/databrowser/view/ilc_mdcs03_custom_17664218/default/table [https://perma.cc/7V54-FPMK].
- ¹¹ *Food Waste*, EUROPEAN COMMISSION, https://food.ec.europa.eu/food-safety/food-waste_en [https://perma.cc/5NV9-SEX5] (last visited Dec. 2, 2025).
- ¹² In relation to the effects of the entire EU food system, food waste in the EU causes 16% of emissions, 12% of water consumption, 16% of soil impacts, and 15% of marine eutrophication effects. *Commission Staff Impact Assessment Report Accompanying the document Directive of the European Parliament and of the Council amending Directive 2008/98/EC on waste*, at 41, SWD (2023) 421 final (July 5, 2023), https://eur-lex.europa.eu/resource.html?uri=cellar:1fefebb0-1b4e-11ee-806b-01aa75ed71a1.0001.02/DOC_5&format=PDF [https://perma.cc/UZ5B-J643].
- ¹³ See generally BEYHAN DE JONG ET AL., JOINT RSCH. CTR. OF THE EUROPEAN COMMISSION, ASSESSING THE ECONOMIC, SOCIAL AND ENVIRONMENTAL IMPACTS OF FOOD WASTE REDUCTION TARGETS: A MODEL-BASED ANALYSIS (2023), <https://doi.org/10.2760/77251> [https://perma.cc/AT9Z-5TL7].
- ¹⁴ *EU Actions Against Food Waste*, EUROPEAN COMMISSION, https://ec.europa.eu/food/food/food-waste/eu-actions-against-food-waste_en [https://perma.cc/UZ3A-ZNDS] (last visited Dec. 2, 2025); see *Sustainable Development Goal Target 12.3*, UNITED NATIONS DEP'T OF ECON. & SOC. AFFS., https://sdgs.un.org/goals/goal12#targets_and_indicators [https://perma.cc/A99L-52F5] (last visited April 23, 2026).
- ¹⁵ *The European Green Deal: Striving to be the first climate-neutral continent*, EUROPEAN COMMISSION, https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/european-green-deal_en [https://perma.cc/EN8M-SAPB] (last visited Dec. 15, 2025); see also *EU Actions Against Food Waste*, *supra* note 14.
- ¹⁶ *EU Platform on Food Losses and Food Waste*, EUROPEAN COMMISSION, https://ec.europa.eu/food/food/food-waste/eu-actions-against-food-waste/eu-platform-food-losses-and-food-waste_en [https://perma.cc/Z7LN-H7W6] (last visited Dec. 2, 2025); see also *EU Actions Against Food Waste*, *supra* note 14.
- ¹⁷ *Waste Framework Directive*, EUROPEAN COMMISSION, https://environment.ec.europa.eu/topics/waste-and-recycling/waste-framework-directive_en [https://perma.cc/EKX9-WYVT] (last visited Apr. 23, 2026).
- ¹⁸ *Food Waste*, EUROPEAN COMMISSION, *supra* note 11; *Food waste and food waste prevention – estimates*, EUROSTAT, https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Food_waste_and_food_waste_prevention_-_estimates [https://perma.cc/YWJ5-XHHA] (last visited Dec. 19, 2025).
- ¹⁹ Directive 2025/1892 of the European Parliament and of the Council of 10 September 2025 amending Directive 2008/98/EC on waste, art. 2(1), 2025 O.J. (L —) (EU), <https://eur-lex.europa.eu/eli/dir/2025/1892/oj> [hereinafter 2025 WFD Amendment].
- ²⁰ *Id.*
- ²¹ Zákon o potravinách a tabákových výrobcích a o změně a doplnění některých souvisejících zákonů [Act on Food and Tobacco Products and on Amendments to Certain Related Acts], Zákon č. 110/1997 Sb. (Czech.), §§ 11(2), 17(2)(j), 17f(c), <https://www.zakonyprolidi.cz/cs/1997-110/zneni-20250701> [https://perma.cc/U9MY-P8P4].

- ²² As defined by the EU “Food Law.” Commission Regulation 178/2002 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, art. 3, 2002 O.J. (L 31) 1, <https://eur-lex.europa.eu/eli/reg/2002/178/oj/eng>.
- ²³ L. 1990, agosto 2, 2019, DIARIO OFICIAL [D.O.] arts. 8(2), 17(2)–(3) (Colom.), <https://www.suin-juriscal.gov.co/viewDocument.asp?ruta=Leyes/30037776> [https://perma.cc/ADN2-TVTE].
- ²⁴ Ley Para Prevenir Y Reducir La Pérdida Y El Desperdicio De Alimentos Y Mitigar El Hambre De Las Personas En Situación De Vulnerabilidad Alimentaria [Law to Prevent and Reduce Food Loss and Waste and Reduce the Hunger of People in Vulnerable Situations], 30 de mayo de 2022, REGISTRO OFICIAL (Ecuador) arts. 12–13, 18, 24–26, <https://www.asambleanacional.gob.ec/sites/default/files/private/asambleanacional/filesasambleanacionalnameuid-29/Leyes%202013-2017/1032-karteaga/ro-72-3er-s-30-05-2022.pdf> [https://perma.cc/36E6-ZK9W].
- ²⁵ Valtioneuvoston asetus jätteistä [Government Decree on Waste], SUOMEN SÄÄDÖSKOKOELMA 978/2021 (Fin.), § 29, <https://www.finlex.fi/api/media/statute/693290/mainPdf/main.pdf?timestamp=2021-11-17T22%3A00%3A00.000Z> [https://perma.cc/VUL3-LTUC] (the official English translation of the Government Decree on Waste is available at <https://www.finlex.fi/api/media/statute-foreign-language-translation/687538/mainPdf/main.pdf?timestamp=2021-11-17T22%3A00%3A00.000Z> [https://perma.cc/8937-95ZP]); Jätelaki [Waste Act], SUOMEN SÄÄDÖSKOKOELMA 646/2011 (Fin.), § 147, <https://www.finlex.fi/fi/lainsaadanto/2011/646?language=fin> [https://perma.cc/LWC4-T2EZ]; Rikoslaki [Criminal Code], SUOMEN SÄÄDÖSKOKOELMA 39/1889 (Fin.), chapter 48 § 1–4, <https://www.finlex.fi/en/legislation/translations/1889/eng/39-001> [https://perma.cc/3A3M-9KE9].
- ²⁶ CODE DE L’ENVIRONNEMENT [C. ENVTL] [ENVIRONMENTAL CODE] art. L541-15-6 (Fr.), https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000041598864 [https://perma.cc/U656-7GKN]; CODE PÉNAL [C. PÉN.] [PENAL CODE] art. 131-13 (Fr.), https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000006417259 [https://perma.cc/C4JS-5N8A].
- ²⁷ Ley General de la Alimentación Adecuada y Sostenible art. 55, Diario Oficial de la Federación [DOF] 17-04-2024 (Mex.), <https://www.diputados.gob.mx/LeyesBiblio/pdf/LGAAS.pdf> [https://perma.cc/FW7X-DNMQ]. As of April 2026, Mexico has not yet implemented regulations requiring commercial establishments to donate surplus food, but the disposal of food that is fit for human consumption by commercial entities is illegal, which creates a presumptive requirement for these commercial establishments to distribute the food to people. See *infra* text in Appendix B: Mexico accompanying notes 163–166; see also HEATHER LATINO ET AL., THE GLOBAL FOOD DONATION POLICY ATLAS, REDUCING HUNGER & FOOD WASTE IN MEXICO: A STATE POLICY TOOLKIT 5 (2024), <https://atlas.foodbanking.org/wp-content/uploads/2024/10/Reducing-Hunger-and-Food-Waste-in-Mexico-State-Policy-Toolkit.pdf> [https://perma.cc/LB4Z-U6R8].
- ²⁸ Ustawa z dnia 19 lipca 2019 r. o przeciwdziałaniu marnowaniu żywności [Act of 19 July 2019 on Counteracting Food Waste], DZIENNIKU USTAW (Dz.U.) of 2020 item 1645, arts. 3, 5, 8, 10, <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20200001645> [https://perma.cc/7SAF-YDFX].
- ²⁹ Ley Que Promueve La Donación de Alimentos y Facilita el Transporte de Donaciones en Situaciones de Desastres Naturales, 8 de agosto de 2016, DIARIO OFICIAL EL PERUANO arts. 1–2, 4–5, https://leyes.congreso.gob.pe/Documentos/ExpVirPal/Texto_Consolidado/30498-TXM.pdf [https://perma.cc/9BEB-68JZ].
- ³⁰ Ley 1/2025, de 1 de abril, de prevención de las pérdidas y del desperdicio alimentario [Law 1/2025 of Apr. 1, 2025, on the Prevention of Food Loss and Avoidable Food Waste] arts. 5–7, 20–23 (B.O.E. 2025, 6597) (Spain), <https://www.boe.es/buscar/pdf/2025/BOE-A-2025-6597-consolidado.pdf> [https://perma.cc/P5PM-WT48].
- ³¹ Ley Para el Aprovechamiento Integral de Alimentos y su Donación Altruista del Estado de Chiapas arts. 7–8, 10, 27, 29, Periódico Oficial del Estado de Chiapas 25-07-2018 (Mex.), <https://www.poderjudicialchiapas.gob.mx/storage/legislacion/PJE-1755119563.pdf> [https://perma.cc/6EQZ-ABSV] [hereinafter Chiapas Food Donation Law]; Ley de Responsabilidades Administrativas para el Estado de Chiapas art. 81, Periódico Oficial del Estado de Chiapas 15-05-2024, <https://www.poderjudicialchiapas.gob.mx/storage/legislacion/PJE-1751040745.pdf> [https://perma.cc/2LFD-NFVJ].
- ³² Ley Para el Aprovechamiento Integral de Alimentos y Su Donación Altruista del Estado de Coahuila De Zaragoza arts. 7–9, 35, Periódico Oficial del Estado de Coahuila De Zaragoza 23-01-2018 (Mex.), https://www.congresocoahuila.gob.mx/transparencia/03/Leyes_Coahuila/coa68.pdf [https://perma.cc/DM3E-4TV4] [hereinafter Coahuila Food Donation Law].
- ³³ Ley Para la Donación y el Aprovechamiento Integral de Alimentos del Estado de Oaxaca arts. 7–8, 10, 26, 28, Periódico Oficial del Estado de Oaxaca 16-06-2018 (Mex.), https://www.congresooaxaca.gob.mx/docs65.congresooaxaca.gob.mx/legislacion_estatal/257.pdf [https://perma.cc/FD78-6YDB] [hereinafter Oaxaca Food Donation Law].
- ³⁴ CAL. CODE REGS. tit. 14, § 18982, 991.3(a)–(b) (2026).
- ³⁵ N.Y. ENV’T CONSERV. §§ 27-2201(1), (4), 2203(a), 2215, 2218, 71-4003 (2026); N.Y. COMP. CODES R. & REGS. tit. 6, § 350-2 (2026).
- ³⁶ Until the end of 2026, supermarkets (with sales area greater than 10,000 ft² that generate annual average less than 2 tons food scraps per week) are separately required by New York state law to make food available to food recovery organizations, and they are deemed in compliance with this requirement if they establish food donation agreements with recovery organizations. N.Y.

ENV'T CONSERV. § 27-2218 (2026).

³⁷ This can include, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. See CAL. CODE REGS. tit. 14, § 18982(a)(39) (2026).

³⁸ These can charge admissions prices or be free, can be operated by a private entity or by a government body, and can be held at locations such as (but not limited to) a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space. See CAL. CODE REGS. tit. 14, § 18982(a)(38) (2026).

³⁹ N.Y. ENV'T CONSERV. § 27-2201(1) (2026).

⁴⁰ See, e.g., CONN. GEN. STAT. § 22a-226e (2026); MD. CODE ANN., ENVTL. § 9-1724.1 (2026); 310 MASS. CODE REGS. § 19.017 (2026).

⁴¹ EUROPEAN COMMISSION, *supra* note 17.

⁴² Directive 2008/98 of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives, 2008 O.J. (L 312) 3 (EC), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02008L0098-20251016> [https://perma.cc/JJJ7-AMW4].

⁴³ *Id.* at art. 22.

⁴⁴ Directive 2018/851 amending Directive 2008/98/EC on waste, art. 1(10), 2018 O.J. (L 150) 109 (EU), <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018L0851&from=EN> [https://perma.cc/3H3U-Q7SC].

⁴⁵ *Id.* at art. 1(4), 1(10).

⁴⁶ See EUROPEAN COMMISSION, *supra* note 17.

⁴⁷ 2025 WFD Amendment, *supra* note 19, at art. 1(4).

⁴⁸ EUROPEAN COMMISSION, *supra* note 17.

⁴⁹ 2025 WFD Amendment, *supra* note 19, at art. 1(4) ¶¶ 4, 5, 9.

⁵⁰ *Id.* at art. 1(4) ¶ 1.

⁵¹ *Id.* at art. 2(1).

⁵² EUROPEAN COMMISSION, *supra* note 17.

⁵³ 2025 WFD Amendment, *supra* note 19, at art. 2(1).

⁵⁴ *Id.* at art. 1(4) ¶ 1.

⁵⁵ *Id.* ¶ 4.

⁵⁶ *Id.*

⁵⁷ See, e.g., HEATHER LATINO ET AL., HARVARD L. SCH. FOOD L. & POL'Y CLINIC, THE GLOB. FOODBANKING NETWORK, & GLOB. METHANE HUB, PIONEERS IN THE FIGHT AGAINST FOOD WASTE: IMPLEMENTATION OF FOOD WASTE DETERRENCE POLICIES IN SOUTH KOREA, FRANCE, AND PERU 19 (2025), <https://atlas.foodbanking.org/wp-content/uploads/2025/02/Full-Paper-Pioneers-in-Fight-Against-Food-Waste.pdf> [https://perma.cc/YV48-RBYF] (reporting that in France, better supply chain management led to reduced generation of surplus food in food businesses, so food recovery volumes also decreased).

⁵⁸ 2025 WFD Amendment, *supra* note 19, at art. 1(4) ¶¶ 2-3.

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ *Id.* at art. 1(5).

⁶² *Id.*

⁶³ *Id.* at art. 1(9).

⁶⁴ *Id.*

⁶⁵ *Id.* at art. 1(4) ¶ 9.

⁶⁶ See *id.* at art. 1(4).

⁶⁷ Commission Notice — EU Guidelines on Food Donation, §§ 3.1–3.2, 2017 O.J. (C 361) 1 (EU), [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52017XC1025\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52017XC1025(01)) [https://perma.cc/TBV9-XCGN].

⁶⁸ See CAL. DEP'T OF RES. RECYCLING & RECOVERY (CALRECYCLE), MODEL FOOD RECOVERY AGREEMENT 1 (2023), <https://oclandfills.com/sites/ocwr/files/2021-12/Model%20Edible%20Food%20Recovery%20Agreement%20%28CalRecycle%29%20%282%29.pdf> [https://perma.cc/5GUK-JP9X]; *Don Alimentaire: Un Modèle de Convention Entre Distributeurs et Associations*, MINISTÈRE DE L'AGRICULTURE ET DE LA SOUVERAINETÉ ALIMENTAIRE (Jan. 23, 2025), <https://agriculture.gouv.fr/don-alimentaire-un-modele-de-convention-entre-distributeurs-et-associations> [https://perma.cc/4LL7-3R4M].

⁶⁹ See CALRECYCLE, *supra* note 68, at 1–2; MINISTÈRE DE L'AGRICULTURE ET DE LA SOUVERAINETÉ ALIMENTAIRE, *supra* note 68.

- ⁷⁰ See CALRECYCLE, *supra* note 68, at 3–4; MINISTÈRE DE L’AGRICULTURE ET DE LA SOUVERAINETÉ ALIMENTAIRE, *supra* note 68.
- ⁷¹ See CALRECYCLE, *supra* note 68, at 6–10; MINISTÈRE DE L’AGRICULTURE ET DE LA SOUVERAINETÉ ALIMENTAIRE, *supra* note 68.
- ⁷² For example, in Romania, a food waste law was passed in 2016 that established a requirement for food businesses to donate surplus food. However, the law was passed with very broad language, making only a general reference to all operators in the agri-food sector without any specific indicators of which businesses were covered by the requirement. This led to challenges and delays to the law’s enforcement, and ultimately the law was amended to no longer require food donations. *Punct de vedere referitor la Legea risipei alimentare*, MINISTERUL AGRICULTURII ȘI DEZVOLTĂRII RURALE (June 1, 2017), <https://www.madr.ro/comunicare/punct-de-vedere-referitor-la-legea-risipei-alimentare.html> [https://perma.cc/9ETR-MVHR]; see Legea nr. 217 din 17 noiembrie 2016 privind diminuarea risipei alimentare [Law No. 217 of November 17, 2016 on Reducing Food Waste], MONITORUL OFICIAL nr. 418 (May 8, 2024) art. 2(3), <https://legislatie.just.ro/public/DetaliiDocument/183792> [https://perma.cc/6PS9-N7AD].
- ⁷³ N.Y. ENV’T CONSERV. § 27-2211 (2026).
- ⁷⁴ *Food Donation and Food Scraps Recycling Law*, NEW YORK STATE DEPT. OF ENV’T CONSERV., <https://dec.ny.gov/environmental-protection/recycling-composting/organic-materials-management/food-donation-scraps-recycling-law> [https://perma.cc/VG85-TBPX] (last visited Dec. 20, 2025); see also, e.g., NYS Dept. of Env’t Conserv., *List of Designated Food Scraps Generators (DFSG) for 2025* (Dec. 12, 2025), https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fextapps.dec.ny.gov%2Ffs%2Fdocs%2Fspreadsheets%2FCopy_of_dfsglist2026.xlsx&wdOrigin=BROWSELINK [https://perma.cc/PX53-JQHF].
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- ⁷⁷ Ordonnance 2019-1069 du 21 octobre 2019 relative à la lutte contre le gaspillage alimentaire [Ordinance no. 2019-1069 of October 21, 2019 relating to the fight against food waste], JOURNAL OFFICIEL DE LA RÉPUBLIQUE FRANÇAISE [J.O.] [OFFICIAL GAZETTE OF FRANCE], Oct. 22, 2019, art. 1, https://www.legifrance.gouv.fr/jorf/article_jo/JORFARTI000039248717 [https://perma.cc/5U5L-ZNBN]; see *Restauration collective*, PORTAIL RÉGIONAL DE LA RESTAURATION COLLECTIVE EN NOUVELLE-AQUITAINE, <https://www.restaurationcollectivena.fr/restauration-collective/> [https://perma.cc/NDC2-UGHY] (last visited April 23, 2026).
- ⁷⁸ Loi 2020-105 du 10 février 2020 relative à la lutte contre le gaspillage et à l’économie circulaire [Law 2020-105 of February 10, 2020, relating to the fight against waste and the circular economy], JOURNAL OFFICIEL DE LA RÉPUBLIQUE FRANÇAISE [J.O.] [OFFICIAL GAZETTE OF FRANCE], Feb. 11, 2020, art. 32, https://www.legifrance.gouv.fr/jorf/article_jo/JORFARTI000041553797 [https://perma.cc/G2MD-U4HE].
- ⁷⁹ *Food Donors*, CALRECYCLE, <https://calrecycle.ca.gov/organics/slcp/foodrecovery/donors/> [https://perma.cc/6EW2-EMLQ] (last visited Nov. 21, 2025).
- ⁸⁰ CAL. CODE REGS. tit. 14, § 18982(a)(73) (2026); see also CALRECYCLE, *supra* note 79.
- ⁸¹ CAL. CODE REGS. tit. 14, § 18982(a)(74) (2026); see also CALRECYCLE, *supra* note 79.
- ⁸² CAL. CODE REGS. tit. 14, § 18982(a)(73)–(74), 18991.3(a) (2026).
- ⁸³ Ley 1/2025, de 1 de abril, de prevención de las pérdidas y del desperdicio alimentario [Law 1/2025 of Apr. 1, 2025, on the Prevention of Food Loss and Avoidable Food Waste] art. 6(1)–(2) (B.O.E. 2025, 6597) (Spain), <https://www.boe.es/buscar/pdf/2025/BOE-A-2025-6597-consolidado.pdf> [https://perma.cc/P5PM-WT48].
- ⁸⁴ *Id.*
- ⁸⁵ *Id.* at arts. 5–6.
- ⁸⁶ See N.Y. STATE DEPT. OF ENV’T CONSERV., *supra* note 75; see generally N.Y. STATE POLLUTION PREVENTION INST. AT ROCHESTER INST. FOR TECH., *GUIDANCE FOR WASTE ESTIMATION OF FOOD SCRAPS GENERATORS* (2021), https://www.rit.edu/affiliate/nysp2i/sites/rit.edu.affiliate.nysp2i/files/docs/resources/NYSP2I_Food_Scraps_Waste_Estimation_Methodology_Guidance.pdf [https://perma.cc/776M-LVD2] (providing estimates of food waste generation by different sectors to help guide the state of New York in deciding who to cover with its food donation and food waste recycling law).
- ⁸⁷ Ustawa z dnia 19 lipca 2019 r. o przeciwdziałaniu marnowaniu żywności [Act of 19 July 2019 on Counteracting Food Waste], *DZIENNIKU USTAW (Dz.U.)* [Journal of Laws of the Republic of Poland] of 2020 item 1645, art. 5, <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20200001645> [https://perma.cc/7SAF-YDFX].
- ⁸⁸ *Id.* at art. 3.
- ⁸⁹ Remi Cesaro, *supra* note 76.
- ⁹⁰ *Id.*
- ⁹¹ See 2025 WFD Amendment, *supra* note 19, at art. 1(4) ¶ 1.
- ⁹² Under Commission Delegated Decision (EU) 2019/1597, Member States must measure food waste across all supply chain

stages using standardized methodologies. Commission Delegated Decision (EU) 2019/1597 of 3 May 2019 supplementing Directive 2008/98/EC of the European Parliament and of the Council as regards a common methodology and minimum quality requirements for the uniform measurement of levels of food waste, art. 2, 2019 O.J. (L 248) 77, https://eur-lex.europa.eu/eli/dec_del/2019/1597/oj/eng [https://perma.cc/447D-CLQZ].

⁹³ Under the 2025 Amendment, all Member States must set reduction targets by 2030. 2025 WFD Amendment, *supra* note 19, at art. 1(4) ¶ 4.

⁹⁴ Agri-food businesses and collective caterers are required to make public each year their internal food waste control procedures and the results obtained from those procedures, which includes the volume of food donations made. CODE DE L'ENVIRONNEMENT [C. ENVTL] [ENVIRONMENTAL CODE] art. L541-15-6-1 (Fr.), https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000048533619/2025-01-01 [https://perma.cc/H9ZT-CEKA].

⁹⁵ Food businesses must internally document food waste and how it was redirected and make this information available during inspections. Jätelaki [Waste Act], SUOMEN SÄÄDÖSKOKOELMA 646/2011 (Fin.), § 118(a), <https://www.finlex.fi/fi/lainsaadanto/2011/646?language=fin> [https://perma.cc/LWC4-T2EZ]; Valtioneuvoston asetus jätteistä [Government Decree on Waste], SUOMEN SÄÄDÖSKOKOELMA 978/2021 (Fin.), § 34, <https://www.finlex.fi/api/media/statute/693290/mainPdf/main.pdf?timestamp=2021-11-17T22%3A00%3A00.000Z> [https://perma.cc/VUL3-LTUC]; see also Sirje Stén, *Mandatory food waste reporting in Finland - the shift from voluntary to mandatory reporting*, FINLAND MINISTRY OF ENVIRONMENT 4 (Nov. 9, 2023), <https://www.epa.ie/publications/circular-economy/resources/9-Finnish-Ministry-of-Environment---Sirje-Sten.pdf> [https://perma.cc/KZA4-HBKR].

⁹⁶ Any food recovery organization that regularly receives food donations must record the inflows and outputs of food donations received and delivered. Ley 1/2025, de 1 de abril, de prevención de las pérdidas y del desperdicio alimentario [Law 1/2025 of Apr. 1, 2025, on the Prevention of Food Loss and Avoidable Food Waste] art. 9(a) (B.O.E. 2025, 6597) (Spain), <https://www.boe.es/buscar/pdf/2025/BOE-A-2025-6597-consolidado.pdf> [https://perma.cc/P5PM-WT48].

⁹⁷ One helpful example of this practice is in the state of Massachusetts (U.S.): while the state has not adopted a food donation requirement, the state did adopt an organic waste ban in 2014, and the state's Department of Environmental Protection uses solid waste tracking as one method of tracking and measuring compliance with the state's ban. *MassGIS Data: MassDEP Solid Waste Diversion and Disposal*, MASS.GOV (June 2024), <https://www.mass.gov/info-details/massgis-data-massdep-solid-waste-diversion-and-disposal> [https://perma.cc/2DZW-X7ZT].

⁹⁸ Ustawa z dnia 19 lipca 2019 r. o przeciwdziałaniu marnowaniu żywności [Act of 19 July 2019 on Counteracting Food Waste], *DZIENNIK USTAW (Dz.U.)* [Journal of Laws of the Republic of Poland] of 2020 item 1645, art. 8, <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20200001645> [https://perma.cc/7SAF-YDFX].

⁹⁹ *Id.* at arts. 5, 10.

¹⁰⁰ Ley 1/2025, de 1 de abril, de prevención de las pérdidas y del desperdicio alimentario [Law 1/2025 of Apr. 1, 2025, on the Prevention of Food Loss and Avoidable Food Waste] art. 6(4)(a)–(b) (B.O.E. 2025, 6597) (Spain), <https://www.boe.es/buscar/pdf/2025/BOE-A-2025-6597-consolidado.pdf> [https://perma.cc/P5PM-WT48].

¹⁰¹ *Id.* at art. 21.

¹⁰² See CALRECYCLE, *supra* note 68, at 1; MINISTÈRE DE L'AGRICULTURE ET DE LA SOUVERAINETÉ ALIMENTAIRE, *supra* note 68.

¹⁰³ Ley 1/2025, de 1 de abril, de prevención de las pérdidas y del desperdicio alimentario [Law 1/2025 of Apr. 1, 2025, on the Prevention of Food Loss and Avoidable Food Waste] art. 7 (B.O.E. 2025, 6597) (Spain), <https://www.boe.es/buscar/pdf/2025/BOE-A-2025-6597-consolidado.pdf> [https://perma.cc/P5PM-WT48].

¹⁰⁴ Ustawa z dnia 19 lipca 2019 r. o przeciwdziałaniu marnowaniu żywności [Act of 19 July 2019 on Counteracting Food Waste], *DZIENNIK USTAW (Dz.U.)* [Journal of Laws of the Republic of Poland] of 2020 item 1645, art. 3(2), <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20200001645> [https://perma.cc/7SAF-YDFX].

¹⁰⁵ *Id.* at art. 3(3).

¹⁰⁶ MINISTÈRE DE L'AGRICULTURE ET DE LA SOUVERAINETÉ ALIMENTAIRE, *supra* note 68.

¹⁰⁷ Ley Para Prevenir Y Reducir La Pérdida Y El Desperdicio De Alimentos Y Mitigar El Hambre De Las Personas En Situación De Vulnerabilidad Alimentaria [Law to Prevent and Reduce Food Loss and Waste and Reduce the Hunger of People in Vulnerable Situations], 30 de mayo de 2022, REGISTRO OFICIAL (Ecuador) art. 18, <https://www.asambleanacional.gob.ec/sites/default/files/private/asambleanacional/filesasambleanacionalnameuid-29/Leyes%202013-2017/1032-karteaga/ro-72-3er-s-30-05-2022.pdf> [https://perma.cc/36E6-ZK9W].

¹⁰⁸ See CALRECYCLE, *supra* note 68.

¹⁰⁹ CALRECYCLE, *supra* note 68, at 1–10.

¹¹⁰ Zoom Interview with Alexandra Dechappe, Les Banques Alimentaire (Nov. 5, 2025).

¹¹¹ CAL. CODE REGS. tit. 14, § 18992.2 (2026).

- ¹¹² *Id.* § 18992.2(b), (c)(2).
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- ¹¹⁴ SAN FRANCISCO ENV'T DEPT., FOOD SECURITY TASK FORCE: SB 1383 UPDATE (2022), <https://www.sf.gov/sites/default/files/2022-12/SFE%20Edible%20Food%20Recovery%20Capacity%20Study.pdf> [https://perma.cc/W2AC-CFU5].
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- ¹¹⁸ N.Y. ENV'T CONSERV. § 27-2201, 2203 (2026).
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- ¹²⁰ 2025 WFD Amendment, *supra* note 19, at art. 1(4) ¶ 1.
- ¹²¹ Zákon, kterým se mění zákon č. 110/1997 Sb., o potravinách a tabákových výrobcích a o změně a doplnění některých souvisejících zákonů, ve znění pozdějších předpisů, a další související zákony [Act amending Act No. 110/1997 Coll., on foodstuffs and tobacco products and on amendments to certain related acts, as amended, and other related acts], Zákon č. 180/2016 Sb. (Czech.), <https://www.zakonyprolidi.cz/cs/2016-180> [https://perma.cc/3CJ8-G4JA].
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- ¹²⁴ *Id.*
- ¹²⁵ *Id.* §17f(c), 17i(3).
- ¹²⁶ See Jason Pirodsky, *Unsold food must be donated to food banks, rules Czech court*, EXPATS CZ (Jan. 3, 2019), <https://www.expats.cz/czech-news/article/unsold-food-must-be-donated-to-food-banks-rules-czech-court> [https://perma.cc/LFM7-RXNK].
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- ¹²⁸ Sirje Stén, *supra* note 95.
- ¹²⁹ Valtioneuvoston asetus jätteistä [Government Decree on Waste], SUOMEN SÄÄDÖSKOKOELMA 978/2021 (Fin.), § 29, <https://www.finlex.fi/api/media/statute/693290/mainPdf/main.pdf?timestamp=2021-11-17T22%3A00%3A00.000Z> [https://perma.cc/VUL3-LTUC].
- ¹³⁰ *Id.* § 34; Jätelaki [Waste Act], SUOMEN SÄÄDÖSKOKOELMA 646/2011 (Fin.), § 118(a), <https://www.finlex.fi/fi/lainsaadanto/2011/646?language=fin> [https://perma.cc/LWC4-T2EZ]; see also Sirje Stén, *supra* note 95.
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- ¹⁴² *Id.* at art. 10.
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- ¹⁶⁶ *Id.* at 6, 28–30.
- ¹⁶⁷ Chiapas Food Donation Law, *supra* note 31, at arts. 7–8, 13; Coahuila Food Donation Law, *supra* note 32, at arts. 7–8, 11; Oaxaca Food Donation Law, *supra* note 33, at arts. 7–8, 13.
- ¹⁶⁸ Chiapas Food Donation Law, *supra* note 31, at art. 10; Coahuila Food Donation Law, *supra* note 32, at art. 9; Oaxaca Food Donation Law, *supra* note 33, at art. 10.
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- ¹⁸³ *E.g.* Aguascalientes Food Donation Law, *supra* note 170, at art. 4(l); Quintana Roo Food Donation Law, *supra* note 178, at arts. 1(l), 2.
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