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**GOVERNMENT OF THE PUNJAB
LAW AND PARLIAMENTARY AFFAIRS DEPARTMENT**

**NOTIFICATION
(59 of 2022)**

25 APRIL 2022

Notification No. DG/PFA/ADMIN/896, dated 18.02.2022 issued by the Punjab Food Authority, is hereby published in the Punjab Gazette (Extraordinary) for general information:

**"PUNJAB FOOD AUTHORITY
GOVERNMENT OF THE PUNJAB**

Dated: 18/02/2022

NOTIFICATION

No. DG/PFA/ADMIN/ 896 . In exercise of the powers conferred under section 57 of the Punjab Food Authority Act, 2011, the Punjab Food Authority is pleased to make following regulations.

Objective:

To regulate the disposal of excess food for human consumption rather than being wasted on account of high economic and environmental cost of producing food, to encourage zero-waste principle in food businesses; to make provision for a scheme to establish incentives to implement and encourage observance of the discardable food reduction hierarchy; to encourage food operators and general public to save excess food for its safe disposal rather than it being wasted.

**CHAPTER - I
PRELIMINARY****1. Short Title and Commencement:**

- 1). These regulations may be called the ***Punjab Food Authority (Disposal of Excess Food) Regulation, 2019.***
- 2) It shall come into force upon its notification in the official Gazette of the Punjab Government.

2. Definitions:

- i. "Act", means Punjab Food Authority Act, 2011.

- ii. **"Authorized Officer"**, shall mean any person authorized by the competent Authority, including, but not limited to Food Safety Officer and Assistant Food Safety Officer.
- iii. **"Discardable Food"** is any food including inedible part of food, removed from the food supply chain intended to be disposed of.
- iv. **"Donor Organization"** public or private non-profit bodies, set up for civic and welfare purposes which, in application of the principle of subsidiarity and in accordance with their respective memoranda or articles of association, promote or perform activities of general interest through the production and exchange of socially useful goods and services or through mutuality.
- v. **"Donation"** means food handed over for free.
- vi. **"Excess Food"** means food including agricultural and agri-food products which comply with product hygiene and safety requirements and include but are not limited to the following list of examples: products which have not been sold, supplied or consumed due to lack of demand; products removed from sale because they fail to comply with the selling company's requirements; leftovers from promotional activities; products which are close to their expiration date; stock left over after a new product test launch and products left unsold because of production schedule error, uneaten foods or food preparation waste, intended to be disposed of but are fit for human consumption and stored under optimal condition as per requirement of the food.
- vii. **"Expiration Date"**, in relation to a package/container of food, means the date after which the food, when kept in accordance with any storage conditions set out at the label of such food, may not retain the quality and safety attributes normally expected by a consumer; and date of minimum durability in relation to a package/container of food means the date until which the food, when kept in accordance with any storage

- conditions set out at the label of such food, will retain the specific qualities for which tacit or express claim has been made.
- viii. **"Food"**, means as defined in section 2(f) of the Act.
- ix. **"Food Operator"** means as defined in section 2(k) of the Act.
- x. **"Food Business"** means as defined in section 2(i) of the Act.
- xi. **"Food Fit For Human Consumption"** means the food whose nature, substance or quality is not so affected by any means as to render it injurious to human health.
- xii. **"Gross Negligence"** means voluntary and conscious conduct (including a failure to act) by a person who, at the time of the conduct, knew that the conduct was likely to be harmful to the health or well-being of another human.
- xiii. **"Intentional Misconduct"** means conduct by a person with knowledge (at the time of the conduct) that the conduct is harmful to the health and wellbeing of another human.
- xiv. **"License"**, means as defined in section 2(p) of the Act.
- xv. **"Natural decomposition"**, means as defined in section 2(ra) of the Act.
- xvi. **"Premises"**, means as defined in section 2(t) of the Act.
- xvii. **"Standard"**, means as defined in section 2(y) of the Act.
- xviii. **"Unsafe Food"**, means as defined in section 2(z) of the Act.

CHAPTER - II

Excess Food Donation & Disposal

3. Donations of Excess Food for Welfare Purposes:

Every Food Operator shall comply with the following guidelines to achieve the desired objective of these regulations;

- i. Food Operators may donate excess food to donor organizations, that may either collect it themselves or arrange for other donor organizations to do so.

- ii. The donor organizations shall give the excess food received, for free and in a state fit for human consumption, to the most deprived.
- iii. Any excess food not fit for human consumption may be disposed of as animal feed, for home composting, or for aerobic composting in the community or any other similar purpose.
- iv. Foods with labeling irregularities may be given away to the donor organizations as long as those irregularities do not fail to display either a date of expiration or ingredients or products that cause allergies or intolerances.
- v. Likewise, excess agricultural products from the countryside or from breeding centres, and which are fit for human and animal consumption, may also be given away for free. The collection and removal of the agricultural products shall come under the responsibility of the donor organizations or whoever carries them out, and shall be performed in compliance with standards.

4. Mode of Giving Excess Food:

- i. In accordance with regulation no. 3, food may be given away before its expiry date as long as the main packaging is intact and storage conditions are stable for food.
- ii. Food operators that prepare and serve meals and refreshments, excluding non-profit food establishments, shall package consumers' unconsumed food and/or drinks in takeaway packaging. In case takeaway bags are left at the food operators' premises they may be donated as excess food.
- iii. Provided that hygiene and safety standards are satisfied and the date of expiration is taken into consideration, excess food may be converted into food for human consumption.
- iv. Donor organizations may also receive donations in the form of finished bakery products, dough-based products, dairy products, sweets and other like products, made at different premises.

However, these may be given away after being produced with minimum 15 percent remaining shelf life and stored under optimal condition, per the requirement of the food. This is so because the excess from shop sales and large-scale distribution must be considered, as well as the one that comes from small-scale or industrial production sites, and organized catering, including agritourism and catering.

5. Standards and Conservations for Excess Food Donation:

- i. Donor Organizations and Food operators who give food away for free, pursuant to regulation no. 3 (i) and regulation no. 4 shall comply with the food hygiene and safety standards, by way of good operational practices, per the set standards provided in the framed regulations, under section 57 of the Act.
- ii. Under regulation no.3 & 4 on donations, food operators and donor organizations should select Excess Food for donation on the basis of its quality and health/hygiene standards, and in accordance with these Regulations.
- iii. Food operators and donor organizations should also adopt the measures necessary to avoid the risk of contaminating or mixing up products destined for the different purposes set out in the aforementioned regulations including the appropriate storage conditions as per requirement of the food product.

6. Discardable Food From Large Food Businesses:

- (i) In the discharge of its duty under these Regulations, the Authority shall propose large supermarkets, manufacturers and distributors to:-
 - a) reduce their discardable food across their supply chains by no less than 30 percent by 2025,
 - b) make proposals for achieving a reduction of discardable food by 50 percent by 2030, and

- c) enter into formal agreements with food redistribution organizations within 6 months of these Regulations coming into force, for the purpose of donating unsold excess food to such donor organizations.

CHAPTER – III



Pre-requisites for Disposal of Excess Food

7. Pre-requisites For Donor Organizations & Food Operator Regarding Disposal Of Excess Food:

- i. The Food Operators and the Donor Organizations shall be subject to inspection, by the Authorized Officer, and shall be dealt in accordance with the applicable law.
- ii. Every food operator shall keep the updated record of disposal of excess food in a prescribed manner and shall be liable to produce the same before the authorized officer, at the time of inspection, on demand.
- iii. Donor organizations shall get themselves licensed with the Punjab Food Authority, preferably within 30 days of issuance of these regulations, but no later than 90 days.
- iv. For the purposes of these Regulations only, the Donor Organizations may apply for free license. The exemption from license fee may be granted to the Donor Organizations, by the Competent Authority.
- v. Notwithstanding anything contained in clause 7(iv), exemption from license fee, in no case, shall be given to any other food business.

8. Reporting to the Authority

- i) Every food operator shall submit a quarterly report, in the form set out in Schedule-I hereto, regarding excess food donated by it in accordance with these Regulations.

- ii) Every donor organization shall submit a quarterly report, in the form set out in Schedule-II hereto, regarding excess food received by it in accordance with these Regulations.

9. Protection to Food Donor Organizations and Food Operators:

- i) Donor organizations shall not be subject to civil or criminal liability arising from the nature, age, packaging, or condition of excess food that are apparently fit for human consumption, that the donor organization distributed in good faith or received as a donation in good faith.
- ii) No provisions of the Punjab Food Authority Act, 2011 and/or regulations under the PFA (Food Transport and Management) Regulations 2018 and the PFA (Disposal of Excess Food) Regulations 2019, shall act as a barrier to the donation of excess food that are fit for human consumption so long as the donor organization acts in good faith and the following conditions are met:
- a) Donated food must not be contaminated, adulterated or mislabeled that it may be a threat to human life.
- b) No injury caused to consumers on consumption of donated food shall be a result of an act or omission constituting gross negligence or intentional misconduct on part of the food operators and donor organizations.
- c) Excess food, to be donated, should not be expired.

10. Penalties:

In case of violation of these regulations, a penalty shall be imposed under chapter 4 of the Punjab Food Authority Act, 2011.


DIRECTOR GENERAL
GOVERNMENT OF THE PUNJAB
PUNJAB FOOD AUTHORITY"

(AHMAD RAZA SARWAR)
SECRETARY

Government of the Punjab
Law and Parliamentary Affairs Department

SCHEDULE-I
FORM OF REPORTING SURPLUS FOOD DONATIONS MADE

Food Operator: (Note branch location, if applicable)						
Operator Address:						
Operator Contact:						
Person-in-Charge:						
Contact Number:						
Date	Donor Organization Name and License #	Surplus Food Item ¹	Amount in Weight or Servings	Storage/Condition at the time of donation	Food Operator Signature and Comments	Donor Organization Signature and Comments

¹ **Key of Food Items:**

- (A) Raw Fruits and Vegetables (B) Cold Fruits/Vegetable Salads (C) Beverages
- (D) Canned / packaged goods (E) Cold or frozen uncooked foods
- (F) Hot, cooked foods with meat, including mixed dishes like biryani
- (G) Cold, cooked foods with meat, including mixed dishes like biryani
- (H) Bakery items and other food

SCHEDULE-II
FORM OF REPORTING SURPLUS FOOD DONATIONS RECEIVED

Donor Organization:						
Donor Address:						
Donor Contact:						
Person-in-Charge:						
Contact Number:						
Date	Food Operator Name and License #	Surplus Food Item ²	Amount in Weight or Servings	Storage/Condition at the time of donation	Food Operator Signature and Comments	Donor Organization Signature and Comments

² **Key of Food Items:**

- (A) Raw Fruits and Vegetables (B) Cold Fruits/Vegetable Salads (C) Beverages
 (D) Canned / packaged goods (E) Cold or frozen uncooked foods
 (F) Hot, cooked foods with meat, including mixed dishes like biryani
 (G) Cold, cooked foods with meat, including mixed dishes like biryani
 (H) Bakery items and other food