Anti-Food Waste Law of the PRC

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purpose of preventing food waste, safeguarding national food security, promoting the traditional virtues of the Chinese nation of diligence and thrift, practicing the core socialist values, conserving resources, protecting the environment, and promoting sustainable economic and social development.

Article 2 — For the purposes of this Law, the term "food" means food as defined in the Food Safety Law of the People's Republic of China, including all types of foodstuffs for human consumption or drinking. The term "food waste" means the failure to use food that is safe for consumption or drinking in accordance with its functional purpose, including the discarding of such food, and the reduction in quantity or deterioration in quality of food resulting from unreasonable utilization.

Article 3 — The State practices economy and opposes waste. The State adheres to the principles of combining multiple measures and taking targeted approaches, adopting technically feasible and economically reasonable measures to prevent and reduce food waste. The State encourages the

advancement of civilized, healthy, resource-conserving, and environmentally-friendly consumption patterns, and advocates the adoption of simple, moderate, green, and low-carbon lifestyles.

Article 4 — People's governments at all levels shall strengthen leadership in anti-food-waste work, define objectives and tasks for anti-food-waste work at the corresponding level, establish and improve anti-food-waste working mechanisms, organize monitoring, investigation, analysis, and assessment of food waste conditions, and enhance overall planning and coordination. Local people's governments at or above the county level shall annually publish information on anti-food-waste work and propose measures to strengthen anti-food-waste work, and shall continue to promote anti-food-waste work throughout society.

Article 5 — The development and reform department of the State Council shall strengthen the organization and coordination of nationwide anti-food-waste work; the commerce department shall strengthen the guidance of the catering industry and organize industry associations to formulate anti-food-waste service standards; the market regulatory department shall strengthen the supervision of food producers and operators' anti-food-waste activities and promote food producers and operators' anti-food-waste work; and the food and strategic reserves department shall strengthen grain storage and circulation links' food loss reduction work. Other relevant departments of the State Council shall carry out anti-food-waste work in accordance with their respective responsibilities and this Law.

Article 6 — State organs, people's organizations, state-owned enterprises and public institutions shall refine their official reception, meetings, training and other official activity standards in accordance with relevant state provisions, strengthen management, and take the lead in practicing economy and opposing waste. Where official activities require the arrangement of meals, the principles of economy, thrift, science, and moderation shall prevail, and the number and form of meals shall be arranged in accordance with the actual situation, and meals shall not exceed the prescribed standards.

Article 7 — Catering service operators shall adopt the following measures to prevent food waste: (1) establishing and improving systems for food procurement, storage, and processing, strengthening the vocational training of service personnel, and incorporating the concept of cherishing food and opposing waste into the training content; (2) proactively reminding consumers to prevent food waste, posting or displaying anti-food-waste signs on prominent positions, or having service personnel give reminders and explanations, and guiding consumers to order food in an appropriate quantity as needed; (3) improving the quality of catering supply, rationally determining quantities and portions in accordance with standards and specifications, and providing options such as small portions of dishes and other different specifications of meals; (4) where group meal services are provided, incorporating the concept of preventing food waste into the menu design, and rationally allocating dishes and staple foods according to the number of diners; (5) where buffet services are provided, proactively informing consumers of consumption rules and anti-food-waste requirements, providing different specifications of tableware, and reminding consumers to take food in appropriate quantities. Catering service operators shall not induce or mislead consumers into over-ordering. Catering service operators may impose reasonable charges on consumers who cause obvious waste by ordering excessive food, and the charging standards shall be clearly stated and publicized.

Article 8 — Organizations and individuals providing food for events such as meetings, trainings, exhibitions, promotional activities, celebrations and commemorations shall incorporate the concept of preventing food waste into the food plans of the activities, and arrange meals in an appropriate quantity in accordance with the principles of need and thrift.

Article 9 — Schools, kindergartens and other educational institutions shall strengthen educational guidance on anti-food-waste, cultivate students' good habits of diligence and thrift, and incorporate the practice of CD-ROM action (clearing one's plate) into daily education and teaching. Schools and kindergartens shall establish and improve food management systems to prevent food waste and continuously improve the quality of meals.

Article 10 — Catering take-out platforms shall remind consumers to order food in an appropriate quantity in a conspicuous manner. Where catering service operators provide services through catering take-out platforms, they shall provide consumers with information such as food portions, specifications, or the recommended number of consumers on the platform page.

Chapter II — Standards, Incentives and Constraints

Article 11 — Catering industry associations shall, in accordance with laws and regulations, play a self-regulatory role in the industry, formulate and implement convention on anti-food-waste in the industry, and guide and urge industry members to carry out anti-food-waste work. Where catering industry associations find that member enterprises have committed acts of food waste and need to be given reminders, they may issue industry self-regulatory reminders and, if necessary, may adopt industry self-regulatory disciplinary measures within the scope of their self-regulatory functions.

Article 12 — Consumers' associations and other consumer organizations shall strengthen consumer education on dietary consumption, promote the formation of a social atmosphere of consciously resisting waste, and guide consumers to develop civilized, healthy, resource-conserving, and environmentally-friendly consumption habits.

Article 13 — The State Council departments in charge of development and reform, commerce, market regulation, and other departments shall, in accordance with their respective functions and duties, formulate and improve relevant national and industry standards for anti-food-waste. Local market regulatory departments may organize technical institutions, industry associations, and chambers of commerce to formulate local standards such as group meal service standards and group dining consumption guidelines.

Article 14 — Individuals shall establish civilized, healthy, rational, and green consumption concepts. When dining out, individuals shall reasonably order meals and take leftovers according to their actual needs. In household life, individuals shall cultivate good dietary habits of scientific health and thrift, and purchase, store, and prepare food in accordance with actual daily life needs.

Article 15 — The State improves the production, storage, transportation and processing standards for food and other edible agricultural products, promotes the use of new technologies, new processes and new equipment to guide moderate processing and comprehensive utilization, and reduces losses. Food producers and operators shall take measures to improve food storage, transportation, and processing conditions, prevent food from deteriorating, and reduce losses in the course of storage and transportation; and shall improve the scientific level of food processing and utilization.

Article 16 — News media shall carry out anti-food-waste publicity through public service advertisements, reports, and other forms, disseminate scientific dietary knowledge, report models of diligence and thrift, and expose waste problems, so as to guide the public to establish correct dietary consumption concepts. News media shall supervise food waste through public opinion in accordance with the law. It is prohibited to produce, distribute, or disseminate programs or audio-visual information that promote excessive eating and drinking, including over-eating or over-drinking. Where online audio-visual information service providers discover that a user has violated the provisions of the preceding paragraph, they shall immediately cease transmitting the relevant information; where the circumstances are serious, they shall cease providing information services.

Chapter III — Obligations of Market Entities

Article 17 — People's governments at all levels and their relevant departments shall establish anti-food-waste supervision, inspection and working mechanisms, and specify the tasks and responsibilities for anti-food-waste supervision and inspection. Food producers and operators shall fulfill their main responsibility for preventing food waste, and establish and implement anti-food-waste management systems.

Article 18 — State organs, people's organizations, social organizations, enterprises, public institutions, and grassroots mass self-governing organizations shall include anti-food-waste in their organizational rules and regulations and codes of conduct, and in the content of self-discipline conventions, resident conventions, and village rules and regulations.

Article 19 — Catering service operators shall strictly implement the provisions of the Anti-Food-Waste Law and laws and regulations on food safety and shall not process or sell food prohibited by laws and regulations. Catering service operators shall truthfully publicize information such as the names, specifications, and prices of the dishes they serve, and shall update such information in a timely manner.

Article 20 — Where catering service operators induce or mislead consumers into over-ordering, causing obvious waste, the market regulatory department of the local people's government at or above the county level or other departments designated by the local people's government at or above the county level shall order rectification and issue a warning; where the operator refuses to rectify, a fine of not less than RMB 1,000 yuan and not more than RMB 10,000 yuan shall be imposed.

Article 21 — Food producers and operators shall, in the course of food production and operation, avoid excessive packaging, prevent food waste, and reduce the generation of food waste. The State encourages the donation of food that is safe, meets the required quality standards, and can still be consumed, to social welfare agencies, relief agencies, and other relevant organizations and individuals.

Article 22 — Supermarkets, shopping malls, and other food business operators shall strengthen daily inspections of the food they operate and implement classified management of food approaching its expiry date, make special markings or display and sell such food in a centralized manner. Food business operators shall not discard food that has not expired merely for the purpose of maintaining commodity display or for any other reason.

Chapter IV — Government Duties and Supervision

Article 23 — Local people's governments at or above the county level shall establish and improve anti-food-waste supervision and management systems and working mechanisms, organize monitoring, analysis, and assessment of regional food waste, and promote the reduction and resource utilization of food waste.

Article 24 — People's governments at or above the county level, their market regulatory departments, commerce departments, and other relevant departments shall strengthen anti-food-waste supervision and inspection, and urge food producers and operators to implement various anti-food-waste measures. The relevant departments shall, in accordance with their respective statutory duties, investigate and punish illegal acts of food waste, establish anti-food-waste complaint and reporting mechanisms, accept relevant complaints and reports, and handle them in a timely manner in accordance with the law.

Article 25 — Relevant departments of people's governments at or above the county level shall regularly inspect catering service operators such as those providing group meal services to government agencies, and strengthen management of their violations; where food waste problems are found, they shall raise corrective opinions and order rectification.

Article 26 — The State organizes and carries out nutritional status monitoring, nutritional knowledge popularization, and other work to guide citizens to form scientific dietary habits and reduce unhealthy dietary-induced diseases.

Article 27 — The departments of education, commerce, culture and tourism, health, market regulation, and other relevant departments of people's governments at or above the county level shall strengthen anti-food-waste education and publicity for employees in relevant industries, and urge relevant enterprises and institutions to implement various anti-food-waste management measures.

Source: https://www.danyoungcpa.com/anti-food-waste-law-prc-2021/

Chapter V — Legal Liability

Article 28 — Where a catering service operator, in violation of the provisions of this Law, fails to proactively remind consumers to prevent food waste, the market regulatory department of the local people's government at or above the county level or other departments designated by the local people's government at or above the county level shall order rectification and issue a warning.

Article 29 — Where a catering service operator, in violation of the provisions of this Law, induces or misleads consumers into over-ordering, causing obvious waste, the market regulatory department of the local people's government at or above the county level or other departments designated by the local people's government at or above the county level shall order rectification and issue a warning; where the operator refuses to rectify, a fine of not less than RMB 1,000 yuan and not more than RMB 10,000 yuan shall be imposed.

Article 30 — Where a radio station, television station, or online audio-visual information service provider, in violation of the provisions of this Law, produces, distributes, or disseminates programs or audio-visual information that promote excessive eating and drinking, including over-eating or over-drinking, the departments of radio and television, cyberspace administration, and other relevant departments shall, in accordance with their respective duties, order rectification and issue a warning; a fine of not less than RMB 10,000 yuan and not more than RMB 100,000 yuan may be imposed; where the circumstances are serious, a fine of not less than RMB 100,000 yuan and not more than RMB 1,000,000 yuan may be imposed, and the relevant business may be ordered to suspend operations for rectification, or the relevant business permits or business licenses may be revoked. The directly responsible person in charge and other directly responsible persons shall be subject to sanctions in accordance with the law.

Article 31 — Where a state organ, people's organization, state-owned enterprise, or public institution violates the provisions of this Law in the management of food for official activities, the directly responsible person in charge and other directly responsible persons shall be subject to sanctions in accordance with the law.

Article 32 — Where anyone, in violation of the provisions of this Law, causes serious food waste and has a negative social impact, the relevant competent department of the local people's government at or above the county level may decide to publicly expose the illegal act and the name of the perpetrator.

Article 33 — The provisions of the Law of the People's Republic of China on Administrative Penalty, the Food Safety Law of the People's Republic of China, and other laws shall apply to the investigation and punishment of relevant illegal acts within the relevant departments in accordance with their statutory duties.

Chapter VI — Supplementary Provisions

Article 34 — This Law shall come into effect on the date of promulgation.

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