



Legal Statement

A LivsmeDela is a transfer point at which private people exchange food amongst one another. The LivsmeDela does not fall under the general food law and the operator of the LivsmeDela (the members of the LivsmeDela Team, www.livsmedela.wordpress.com) can not be seen as akin to a food business operator. The LivsmeDela operator, therefore, need not guarantee the compliance of a food business. This is with reference to the applicable food law (see Annex) to establish as follows:

In a LivsmeDela food is stored for short periods of time and is intended for private domestic use. Individuals who take part in the LivsmeDela use it for the exchange of food with one another at their own risk. The LivsmeDela's function as a transfer point and a source of food within a private context is clearly marked on the LivsmeDela. (according to Regulation (EC) no.178/2002, Article 1 (3), the food law shall not apply for the storage of food for private domestic use.)

The guide of the European Community (EC) Regulation (EC) no. 852/2004 also clarifies that a food business is characterised by a certain continuity of activities, as well as a certain degree of organisation. This does not apply to the LivsmeDela: The continuity with which the participants use the LivsmeDela is uncertain and irregular. There is no supervision conducted over who exchanges which food items, with whom, or when, through the LivsmeDela. Additionally, the level of organisation remains within a private sphere and is only done to a minimum. A LivsmeDela is the size of a refrigerator - or shelf - which abates the possible consideration of the LivsmeDela as a food business.

The LivsmeDela operator who uses and manages the LivsmeDela should not be regarded as an entrepreneur and as such does not fall under health regulations of the municipality. The LivsmeDela operator acts as a voluntary unpaid helper, and only occasionally participates in charitable exchange activities which aim at reducing food waste in the community. We consider this to be in accordance with the declarations made in the EC Regulation (EC) No 852/2004 and the European Guideline (SANCO) 3.8 (occasional handling, preparation and storage of food and food preparation by individuals.)

Nevertheless, in order to ensure the highest possible degree of safety for all users of the LivsmeDela, we clearly and visibly communicate the LivsmeDela Guidelines on the exterior of the LivsmeDela. These include, among other things, which food items NOT to put in the LivsmeDela. For example, food that has passed its use-by date and any food connected to potential health risks (such as raw meat, raw fish, open containers of dairy products, and freshly prepared dishes that contain raw egg, milk, and cream). In addition, the cleaning (and the temperature control in the case of a refrigerator) is carried out regularly and recorded clearly and visibly at the LivsmeDela.