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Report Name: Bulgaria Passes New Food Act

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Report Highlights:

In June 2020, Bulgaria passed its new Food Act, an overarching regulatory framework for food processing and trade, and to fully harmonize Bulgaria's food laws with European Union (EU) traceability and consumer protection requirements. The new Food Act was passed following years of extensive stakeholder consultations. It introduces regulations for online trade, which had been unregulated, and spells out new regulatory requirements for baby food, food supplements, therapeutic foods, and vehicle registration for transporting certain categories of food. Over the next six to 12 months, the Government of Bulgaria (GOB) will issue implementing regulations and update working level documents to comply with the new Food Act.

DISCLAIMER: This report was prepared by U.S. Embassy Sofia's Office of Agricultural Affairs for U.S. exporters of domestically produced food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since publication, or because clear and consistent information about these policies was not available. Post recommends that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped. Final approval of any product is subject to the importing country's rules and regulations as interpreted by border officials at the time of product entry.

Summary

The [Food Act](#) (Official Gazette #52, June 9, 2020) was approved by the Bulgarian Parliament after five years of stakeholder consultations and several administration changes, including among different political parties. The new 2020 Food Act completely supersedes the previous 1999 Food Act, which was amended over 30 times, including Bulgaria's process of harmonization with EU legislation after Bulgaria's 2007 EU accession. The stated main goals of the new Food Act is to simplify food legislation, achieve full EU regulatory harmonization, strengthen food traceability, provide for better consumer protection, and eliminate the gray market in food production, processing, and distribution. Sanctions for noncompliance increased by more than 10 times. According to the legislation, the Ministry of Agriculture, Food, and Forestry's (MinAg) Bulgarian Food Safety Agency (BFSA) is responsible for the food supply chain, and the Ministry of Health Care's Regional Health Inspectorate regulates production and supplies of mineral, spring, and table water.

The BFSA is required to maintain national public registries of approved food supplement and sports nutrition products; and of private sector producers, processors, and distributors (Art.24). The Regional Health Inspectorate will also maintain national public registries for private sector producers, processors, and distributors of mineral, spring, and table water, as well as baby food, and foods for toddlers and small children, therapeutic foods, and foods that contain vitamins, minerals and other substances per Regulation EC 1925/2006. The Regional Health Inspectorate will also maintain a registry of persons authorized to conduct ionizing treatment of food products.

The Food Act establishes a permanent National Food Advisory Council to the Minister of Agriculture as a consultative body to advise the Minister on food and beverage public policy issues (Chapter 7). The legislation establishes the functions and rights of food industry organizations. The Food Act also calls to establish a Conciliation Commission to the Minister of Agriculture for out-of-court dispute arbitration among businesses, to include observation of best practices and restraint from unfair trade practices.

The new Food Act includes four general regulatory categories: 1. General and Specific Food Safety Requirements; 2. Requirements for Business Operators and Personnel at Food Production, Processing, and Distribution establishments; 3. Requirements to Food Packaging, Labeling, Presentation and Advertising; and 4. Requirements for Food Production, Processing, and Distribution.

Online Food Trade (Chapter 2, Section IV)

Online foods and beverage sales are allowed by business operators which have at least one registered and approved physical outlet, including food retailers, restaurants, caterers, etc., or by online vendors and online platforms from a distance. This requirement's objective is to allow authorities to achieve food traceability for increasing volume of online trade. Online traders should observe Art. 14/EU

Regulation 1169/2011, the Electronic Trade Law and the Consumer Protection Law. The new Food Act provides a three-months grace period (until September 9, 2020) for the business operators to comply with requirements under Chapter 2, section IV. Foods sold online must be labeled the same as products sold in brick-and-mortar stores and must abide by transportation requirements as per the new law (Art. 63,2). Online food sales should be approved by the BFSA or similar authorities of another EU member-state. Non-EU origin products sold online must follow EU standards and regulations. Businesses conducting online trade are required to present a food traceability plan. The new Food Act does not allow for online baby food and therapeutic food sales (Art. 63, 1).

Foods for Specific Groups (Chapter 3, Sections II and III)

The new Food Act introduces an approval process for food supplements and certain functional foods (e.g. food for athletes) when they are first released to the market (under the previous law, the food supplements were only registered with BFSA). The competent authority is BFSA, which will publish a special approval form by August 9, 2020. A separate implementing regulation is expected to be published soon to correspond with Art. 15/EU Regulation 1331/2008 about general authorizations for food additives, enzymes, and flavorings. Currently, it is still unclear if previously registered food supplements will continue to be allowed on the market and grandfathered into the new public registry or will need to go through the new approval process. Pharmacies, drug stores, and other retail outlets which sell food supplements, therapeutic foods, and baby food for infants need to be registered (Art.30).

The Food Act introduces requirements for market release of genetically modified foods, and foods containing ingredients derived from genetically modified organisms (GMO) (Chapter 3, Section IV). Baby food is also not allowed to contain any ingredients derived from genetic engineering (Art. 87). Also, children are not allowed to be depicted in advertising for GMO products (Art. 22). The new Food Act regulates ionizing food treatments and products, as well as the market release of novel foods (Chapter 3, Section V). The new Food Act also introduces a ban on advertising foods and drinks which contain ingredients such as trans-fats, salt and sugar considered to be non-compliant with healthy nutrition. (NOTE: FAS Sofia will carefully monitor forthcoming implementing regulations for advertising bans on products which contain common ingredients like sugar and salt. To date, how this would be enforced and how it would potentially affect imports is still unclear. END NOTE.)

Labeling (Chapter 1, Section IV)

All information on the labels should be in Bulgarian language (Art. 18). Additional stickers in Bulgarian language are allowed only if they are placed in such a way that they do not overlap with the original labels. The stickers are not allowed to contain different information from that the original label. Labels must be compliant with the EU Regulation 1169/2011 (Art. 17/1).

Registration of Transportation Vehicles (Chapter 2, Section III)

The Food Act introduces mandatory registration for vehicles which transport certain categories of food products, as per Annex III, Regulation EU 853/2004. Vehicle registration is required for transporting dairy, meat, eggs, fish, and seafood and other animal products. Proper hygiene and storage conditions (low temperature) are required during transportation. In addition, vehicle registration for transporting bread, flour, and bakery products is also required. Certified vehicles will be display a special sticker.

Domestic Foods (Chapter 1, Section IV, Art. 17/2, 3)

The new Act introduces two labeling terms for Bulgarian-origin foods. The first, “Produced in Bulgaria” is intended for farm products like fruits and vegetables, other crops, meat and poultry, and wild game and wild-caught fish. The second term is “Product from Bulgaria” and is intended for Bulgarian processed products derived mainly from Bulgarian ingredients. Label can include a geographic map or a symbol to indicate where the product was within Bulgaria.

Food Banks (Chapter 4)

The new Food Act requires food banks to be approved and registered as nongovernmental organizations. Previously food banks were unregulated. The list of foods offered by food banks should be approved by the Minister of Agriculture and the Minister of Finance.

Assistance for the U.S. Exporters

The Food Act provides a general framework for the food business operators in Bulgaria. Important details about the new legislation will be developed further in the implementing regulations. U.S. exporters are advised to consult with the Office of Agricultural Affairs in Sofia for questions regarding U.S. exports of food supplements, foods for specific groups, and general foods and beverage labeling issues

Attachments:

No Attachments.