

Food law in Bulgaria

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During the past century and the time of the command economy, the Bulgarian food law was based mostly on a few legislative acts and on a large variety of "state standards" (provisions and technical specifications for manufacturing) for technology, composition, packaging, preservation and labelling of each type of each particular food product.

Since the beginning of 2007 (Bulgaria joined the European Union on 1 January 2007) the European legislation on food law and food safety is applicable also in Bulgaria, but the local tradition has an interesting influence on the practice and usually provokes questions and arouses the interest of the non-local experts. Even experts on European Food law working in the region might be surprised sometimes. This article tries to give an explanation of the nature of the local characteristics in the currently operative Bulgarian food law.

1.- Food supplements or Food additives – where is the difference?

Due to some peculiarities of the Bulgarian language (beside the Cyrillic alphabet), the local legislation uses a very similar word combination of two nouns to indicate "food supplements" and "food additives". Grammatically the difference between both definitions in Bulgarian is very tiny and insignificant and depends on the places of the nouns in the mentioned word combination.

The query about "*the meaning of the legal term*" is emblematic for the common relationships between the Bulgarian authorities and the producers of food supplements.

According to the Bulgarian Foodstuff Act (promulgated in State Gazette 90/1999, Supplementary provisions par.1, it.72), foodstuffs, intended to supplement the normal diet, which represent sources of concentrated vitamins and minerals or other substances of nutritional or physiological effect, to be used on their own or in combinations, and which are marketed as dosed forms, such as capsules, tablets, pills, etc., as powders, ampoules of liquids and other similar liquid or powder-like formulations, to be taken in small pre-dosed amounts, are termed as "*хранителни добавки*", which means in a word by word translation "Food additives". This legal

definition corresponds mainly (although not exactly) to the definition of "food supplements" as per Art. 2 of the Directive 2002/46/EC, and does not correspond to the definition of "food additives" within the meaning of the Directive 1995/2 EC.

So if a producer or a retailer is planning to launch food supplements on the Bulgarian market and wants to avoid some complications, he should refer to the legal grounds of the definition of the product – i.e. "as per the definition in the Bulgarian Foodstuff Act, Supplementary provisions par.1, it.72".

Further, he should notify in advance the Regional Inspectorates of Public Health Protection and Control (RIPHPC) by filing a standard sample notification, accompanied by a sample of the label of the food supplement. The Bulgarian Ordinance Nr. 47/28.12.2004 (promulgated in State Gazette 5/2005) does not stipulate any term for the RIPHPC to conduct the procedure. The duration of the procedure could depend on the type of the food supplement, but usually the RIPHPC needs a month to review the notification (i.e. to review the label). If the label complies with the legal requirements (the general requirements for labeling of foodstuff), the RIPHPC records the notification within its internal registers. Because of the legal nature of the procedure (notification), the RIPHPC does not issue any kind of certificate or any other document, evidencing the said registration in the registers has been completed (usually the applicant receive information for the results of the procedure by phone or by post).

If the label does not comply with the requirements of the Bulgarian legislation, the RIPHPC informs the applicant about the non-compliance. Usually the RIPHPC requires the label to be changed according to the legal provisions and a new notification is to be filed. In some cases RIPHPC could advise additional explanations to be added on the label in order to avoid risks for the public health.

2.- Local standards – an effort to connect the tradition with healthy nutrition

Bulgarian National Standards or what is a Bulgarian "Sour Milk"?

Standards, within the meaning of the Bulgarian food law tradition, are commonly recognized rules and provisions, which include comprehensive technical specifications (characteristics and requirements to products), specific requirements for manufacturing of products, testing and conformity assessment methods.

The Bulgarian Institute for Standardization (BDS) is the national body in charge of the management of standardization activities in Bulgaria.

Recently BDS has developed and approved a few standards related to traditional Bulgarian food products – National Standard for Bulgarian Sour Milk, National Standard for Bulgarian White Cheese and National Standard for Bulgarian Yellow

Cheese. The standards are not binding, they are used to indicate and ensure that standardized products meet the specific requirements related to manufacturing technology, composition, packaging and labelling of the respective products.

Manufacturers that want to offer products labelled for example "Bulgarian Sour Milk" (which is a kind of yogurt) should make sure that

- (i) the products are made only from raw cow, sheep, buffalo or goat milk,
- (ii) in the process of souring the milk is mixed only with cultures of *Lactobacillus debrueckii ssp bulgaricus* and *Streptococcus thermophilus*, (as isolated in Bulgaria and not genetically modified) and
- (iii) the products are without any additions of dry products, thickeners, colorants and preservatives.

The standards provide also for additional requirements for a maximum content of salt and fats and for the energy value.

"Stara Planina" – the approved standard for meat products

"I don't want to eat anything that even my dog doesn't eat!"

This statement of the Bulgarian Minister of Agriculture and Foods "marked" the beginning of the campaign against "sausages, made with no meat" and, in general, against all "meat" products with high content of soya and/or other vegetable products. The campaign started in the beginning of 2010 and in August the new local standard "Stara Planina" (in Bulgaria this is the second-popular name of the Balkan mountain) was introduced to the consumers.

This standard "covers" 9 types of meat products such as minced meat, meat balls and a few types of sausages, made of chicken meat and of pork and/or veal. It has been granted by the National Veterinary Service (NVS) and exists as a "voluntary standard". Nevertheless the meat producers have to prove that their products meet the requirements of the standard before they are "entitled" to use the logo of the standard and to brand their products with it.

The standard "Stara Planina" has specific requirements for the ingredients of the products:

- (i) soya derivatives, starch, fibres, mechanically recovered meat and colorants are not allowed;
- (ii) the maximum content of salt is strictly determined for each product (for example in the minced meat - not more than 2%);
- (iii) only explicitly listed acidity regulators are admissible;
- (iv) preservatives are forbidden and therefore the standard foresees also fixed periods for a minimum durability under specific storage conditions.

3.- Bulgarian Food Safety Agency – the missing piece

Despite all efforts of the authorities in the field of standardisations of food stuffs it is well known that in Bulgaria there is no acknowledged body in charge of conformity assessment between standards and food products. Currently the NVS exercises control over the producers of food products of animal origin and controls also the standardised products, described above. But the "non-binding" and the "voluntary" character of these standards limits the power of the authority to revoke the producers' right to use the logo of the standard "*Stara Planina*" or the "standardised" name of each dairy product.

Therefore, in June 2010 the Bulgarian government has approved the establishment of a Bulgarian Food Safety Agency and Risk Assessment Center as an independent body that will assess the hazards in the food chain. The Agency will be the main authority entrusted with the control of food safety and food quality. The bill establishing the Food Safety Agency is currently submitted to the National Assembly for discussion and adoption and it is expected to become effective in 2011.

The Food Safety Agency will incorporate the functions and the staff of the currently existing food control authorities of the Ministry of Agriculture and Foods (the National Veterinary Service, the National Plant Protection Service and the National Grain and Fodder Services) and of the Ministry of Health (the Regional Inspections for Protection and Control of Public Health). The aim is to achieve unified control and to ensure the uniform interpretation and application of European and national legislation. The Agency will (hopefully) optimize the administrative structure to avoid duplication of activities and will provide adequate protection to the consumer by an integrated system to handle inquiries and complaints. The food business operators will no longer be required to make particular registrations depending on whether they handle products of animal or vegetable origin – the Food Safety Agency will carry out integrated procedures for all approvals and registrations requested by food business operators. Hopefully, this new unified approach will make life of companies dealing with the manufacture and trading of foods easier and thereby ensure that the conformity assessment is made effectively.