Bulgaria: New national measures on labelling of non-prepacked foods and indication of country-of-origin

Better late than never

To date Bulgaria has never adopted measures to regulate how allergens in non-prepacked foods, and other mandatory information (set out in Article 9 of Regulation (EU) No 1169/2011 on the provision of food information to consumers ("FIR")), should be disclosed to consumers. The same applies to how this information should be presented and expressed.

According to the Bulgarian Food Safety Agency ("BFSA"), there is a draft local ordinance in the pipeline which is the subject of discussion between the Ministry of Agriculture and Food, and the Ministry of Health. Until its adoption, non-prepackaged foods are required by BFSA to have only the mandatory allergen information disclosed in writing.

On 17 March, 2016 the long-awaited draft local ordinance (secondary law) was published for public discussion. It envisages regulating two aspects of the national labeling requirements, namely the labelling of non-prepacked foods, and the voluntary indication of the Bulgarian origin of the foods.

Labelling of non-prepacked foods

The published draft provides that persons placing the following on the market: (i) non-prepacked foods, including non-prepacked foods that are the subject of distance selling; (ii) foods supplied by mass caterers; (iii) foods intended for sale to mass caterers; and (iv) foods prepacked for direct sale, must provide the listed information below to consumers:

A. any ingredient or processing aid listed in annex II of FIR, or derived from a substance or product listed in annex II of FIR which are allergens or can cause intolerance, used in the manufacture or preparation of a food and which is/are still present in the finished product, even if in an altered form;

B. the name of the food;

C. the additional information set out in annexures III and VI of FIR, where applicable;

D. the name or business name and address of the food business operator referred to in art 8 para 1 of FIR;

E. the date of minimum durability/the "use by" date, in accordance with art 24 and annex 10 of FIR.

The requisite information has to be written clearly and accurately in Bulgarian, in a manner which is easy to understand for general consumers.

Considering the current controversial national legislation on the labeling of alcoholic beverages, the draft explicitly provides that for alcoholic beverages with a min 1.2% and max 15% alcohol percentage, the particulars under art 9 of FIR must be set out, with the exception of the nutritional content information.

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Country of origin labelling

The bill specifies the conditions subject to which food can be voluntarily labeled as "Made of Bulgarian raw materials" and/or "Made in Bulgaria".

When food is obtained from primary production, it can be labeled with "Made of Bulgarian raw materials" if the raw material was obtained entirely in Bulgaria, including as a result of hunting or fishing of wild game.

Foods that are not obtained as a result of primary production can be identified as being "Made of Bulgarian raw materials" if (i) a min 75% of their ingredients are produced in the territory of Bulgaria, and (ii) all stages of their production take place in Bulgaria.

"Made in Bulgaria" can be specified only for food where all production stages are carried out in Bulgaria, despite the origin of the ingredients used.

Both designations of origin can be expressed with words or through images of the Bulgarian map or other appropriate symbols.

According to the Ministry of agriculture and food, the purpose of the voluntary indication of the origin is to stimulate Bulgarian production through provision of information which may help consumers to choose products made/obtained in Bulgaria.