

# **ORDINANCE ON THE REQUIREMENTS TO LABELING AND PRESENTATION OF FOODS**

*Adopted by Decree of the Council of Ministers No. 383 of 4.12.2014*

*Prom. SG. 102/12 Dec 2014, amend. SG. 17/23 Feb 2018*

Art. 1. This Ordinance determines the requirements to:

1. labeling, presentation and advertising of foods in order to guarantee consumers' right to information;
2. presentation of nutrition information for labeling of foods, including in cases of placing of nutrition claims.

Art. 2. Foods shall be labeled subject to compliance with the requirements of REGULATION (EU) No 1169/2011 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 (OJ, L 304 of 22.11.2011), herein after referred to as "regulation (EU) No. 1169/2011".

Art. 3. According to Art. 15, paragraph 2 of Regulation (EU) No 1169/2011 the information on the label shall be presented in Bulgarian language.

Art. 4. Nutrition declaration for food labeling shall be done according to the provisions of Chapter IV, Section 3 of Regulation (EU) No 1169/2011.

Art. 5. For food labeling, in addition to the information under Art. 9 of Regulation (EU) No 1169/2011 it shall be mandatory to indicate marking enabling identification of the batch to which the food belongs.

Art. 6. Nutrition and health claims and the terms and conditions for their placing are determined according to REGULATION (EC) No 1924/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 20 December 2006 on nutrition and health claims made on foods (OJ, Special edition 2007, Chapter 15, Volume 18).

Art. 7. Use of generic descriptors (denominations) of foods shall be done according to the provisions of COMMISSION REGULATION (EU) No 907/2013 of 20 September 2013 setting the rules for applications concerning the use of generic descriptors (denominations) (OJ, L 251 of 21.09.2013).

Art. 8. Indication of the country of origin or place of provenance for fresh, chilled and frozen meat of swine, sheep, goats and poultry shall be done in compliance with the provisions of

COMMISSION IMPLEMENTING REGULATION (EU) No 1337/2013 of 13 December 2013 laying down rules for the application of Regulation (EU) No 1169/2011 of the European Parliament and of the Council as regards the indication of the country of origin or place of provenance for fresh, chilled and frozen meat of swine, sheep, goats and poultry (OJ, L 335 of 14.12.2013).

Art. 9. For labeling of foods, containing food colours, listed in Annex V of REGULATION (EC) No 1333/2008 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 16 December 2008 on food additives (OJ, L 354 of 31.12.2008), the additional information referred to in this Annex shall also be included.

Art. 10. (1) For labeling of new foods and food ingredients, the provisions of Art. 8 of THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 27 January 1997 concerning novel foods and novel food ingredients(OJ, L 43 of 14.02.1997) shall be complied with.

(2) For labeling of foods and food ingredients containing or consisting of genetically modified organisms (GMO) or which are made of, or contain ingredients, produced from GMO, the provisions of Art. 12 and 13 of REGULATION (EC) No 1829/2003 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 22 September 2003 on genetically modified food and feed (OJ, L 268 of 18.10.2003) shall also be complied with.

(3) For labeling, presentation and advertising of foods, intended for people intolerant to gluten, the provisions of Art. 3 of COMMISSION REGULATION (EC) No 41/2009 of 20 January 2009 concerning the composition and labelling of foodstuffs suitable for people intolerant to gluten (OJ, L 16 of 21.01.2009), herein after referred to as Regulation (EC) No. 41/2009 shall be complied with, and also the requirements of Commission Implementing Regulation (EU) No 828/2014 of 30 July 2014 on the requirements for the provision of information to consumers on the absence or reduced presence of gluten in food (OJ, L 228 of 31.07.2014).

(4) For labeling, presentation and advertising of foods, referred to in Art. 4 of Regulation (EC) No. 41/2009, which, even without being intended for people intolerant to gluten, are suitable for consumption thereby, the requirements for indication and the conditions for gluten content, determined in Art. 4 of Regulation No. 41/2009, and also the requirements of Commission Implementing Regulation (EU) No 828/2014 of 30 July 2014 on the requirements for the provision of information to consumers on the absence or reduced presence of gluten in food.

(5) Paragraphs 1 and 2 shall not apply to foods for infants and transitional foods within the scope of the Ordinance on the requirements to the content, parameters and designations of foods for infants and transitional foods, adopted by Decree No. 312 of the Council of Ministers of 2007 (promulgated - SG 110 of 2007; amend. and suppl. SG 37 of 2009, SG 84 of 2013 and SG 28 of 2014).

Art. 11. (1) A lot of a particular food is determined on a by-case basis by the producer or by the person packing this food, or by the first trader based in the European Union. The marking under Art. 5 shall be determined and indicated according to the obligations of these persons.

(2) The marking under Art. 5 of food shall be prefixed by the Latin letter "L", except for the cases where it is clearly distinguished from the other indications on the label.

(3) In case of group packaging, containing individual ice-cream portions, the marking under Art. 5 shall be attached on the group packaging.

(4) Where the food is pre-packed, the letter "L" shall be affixed on the pre-packaging or on an attached label.

(5) Where the food is not pre-packed, the marking under Art. 5 and where applicable, the letter "L" shall be affixed on the packaging or on the container, and if this is not possible – in the respective sales documents.

(6) In cases referred to in par. 4 and 5 the marking under Art. 5 and the letter "L" must be affixed in such a way to make sure they are easily visible, legible and indelible.

(7) No designation of a food lot is required of:

agricultural products which upon leaving the field:

a) are being sold or supplied to facilities for provisional storage, processing or packing;

b) are subject to transportation to food production plants;

c) are subject to immediate processing in the production plant.

where for sale to end users, foods are not packed or are being packed upon buyer's wish, or are pre-packed for direct use;

on packaging or containers, the largest side of which has got an area up to 10 sq.cm;

on individual ice-cream portions.

(8) Where the minimum shelf life or the text "BEST BEFORE" is indicated on the label, followed by a specific date, the marking referred to in Art. 5 shall not be required, provided that the date contains at least non-coded indication of the day and month in this order.

Art. 12. (revoked - SG 17/18, in force from 23.02.2018)

### **Additional provisions**

§ 1. (1) Within the meaning of this Ordinance "lot" is a group of units for sale of a particular food, created, produced or packed essentially under the same conditions.

(2) For the purposes of this Ordinance the definitions of the Regulations listed in § 3 shall also apply.

§ 2. This Ordinance shall introduce the provisions of Directive 2011/91EU of the European Parliament and of the Council of 13 December 2011 on indications or marks identifying the lot to which a foodstuff belongs (OJ, L 334 of 16.12.2011).

§ 3. By this Ordinance the application of the following is provided:

1. REGULATION (EU) No 1169/2011 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004.

2. REGULATION (EC) No 1924/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 20 December 2006 on nutrition and health claims made on foods.

3. REGULATION (EC) No 1333/2008 OF THE EUROPEAN PARLIAMENT AND OF THE

COUNCIL of 16 December 2008 on food additives.

4. REGULATION (EC) No 258/97 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 27 January 1997 concerning novel foods and novel food ingredients.

5. REGULATION (EC) No 1829/2003 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 22 September 2003 on genetically modified food and feed.

6. COMMISSION REGULATION (EC) No 41/2009 of 20 January 2009 concerning the composition and labelling of foodstuffs suitable for people intolerant to gluten.

7. COMMISSION REGULATION (EU) No 907/2013 of 20 September 2013 setting the rules for applications concerning the use of generic descriptors (denominations).

8. COMMISSION IMPLEMENTING REGULATION (EU) No 1337/2013 of 13 December 2013 laying down rules for the application of Regulation (EU) No 1169/2011 of the European Parliament and of the Council as regards the indication of the country of origin or place of provenance for fresh, chilled and frozen meat of swine, sheep, goats and poultry.

9. Commission Implementing Regulation (EU) No 828/2014 of 30 July 2014 on the requirements for the provision of information to consumers on the absence or reduced presence of gluten in food.

### **Concluding provisions**

§ 4. The compliance with the requirements of this Ordinance shall be monitored by the official control authorities under the Foods Act.

§ 5. This Ordinance is adopted on the grounds or Art. 10, par. 4 of the Foods Act.

### **Concluding provisions**

#### **TO THE DECREE NO 23 OF 16 FEBRUARY 2018 FOR AMENDMENT AND SUPPLEMENTATION OF LEGAL ACTS**

(PROM. - SG 17/18, IN FORCE FROM 23.02.2018)

§ 7. The Decree shall enter into force on the day of its promulgation in the State Gazette.