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Serbia: One step closer to EU – new rulebook on labelling and advertising of food

Regulatory

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At the beginning of October, the new Rulebook on Labelling and Advertising of Food has been adopted, replacing previously applicable Rulebook on labelling of packed food products (*Official Gazette of SCG*, no. 4/2004, 12/2004 i 48/2004), except Article 30 of that Rulebook relating to the obligations on labelling of the nutritional value of the product. Commencement of the implementation of certain provisions of the new Rulebook, in part relating to the list of ingredients that can cause allergies and/or food intolerance, was postponed for 1 January 2014.

This Rulebook stipulates that the original packaging, manufactured before 5 October 2013, can be used as food packaging no later than 18 months from the day of its entry into force, i.e. until 5 April 2015, whereas the food packed in such packaging can remain on the market until its expiry date. This exemption from the application of the Rulebook is provided in response to the need of manufacturers and retailers for the existence of certain period of adjustment to the newly adopted regulation and due to the fact that it is neither practical nor economically sensible to withdraw already produced packaging from the market.

Even at first glance it can be noticed that the new Rulebook governs the labelling and advertising of, not only packed food products, but food in general, in a more detailed manner. The scope of the Rulebook is extended to the unpacked food as well, which is defined as the food to be placed on the market without packaging or which will be packed on the place of sale in the presence of the consumer or without the consumer. Also, unlike the definition of packed foodstuffs in the previously applicable Rulebook, the definition of packed food is specified so that it represents a product intended for the final consumer and public catering facilities, consisting of food and packaging in which the food is packed prior to its placement on the market, regardless of whether the packaging is enclosing or just partially enclosing the food (which was not specified before) but in such a way that the content cannot be changed without opening or noticeably damaging the packaging.

Liability for food labelling is now precisely regulated, leaving little room for doubt regarding the responsible person:

- for packed food, the responsible person is the entity involved in food business under whose name or business name the food is being placed on the market or the importer if such entity is not registered in the Republic of Serbia,
- for unpacked food, the responsible entity is the entity involved in food business who is packing the food at the place of sale to the final consumer.

The most striking changes compared to previous legislation are the provisions that relate to food ingredients that can cause allergies and/or food intolerance. These ingredients are listed in detail in Appendix 1 of this Rulebook, and in relation to other ingredients of the products, these ingredients must be indicated in a clear and readable manner, highlighted with a different font, style or background colour, in order to be clearly distinguished.

More detailed regulation of these matters, as well the meticulous appendixes of the Rulebook, reflects the tendency of the Serbian legislator for harmonization of its regulations with strict standards and regulations of the European Union in the area of food safety. Since the implementation of certain provisions of this Rulebook is postponed for the beginning of 2014, and since the packaging produced until Rulebook's entry into force and in accordance with previously applicable Rulebook, can be used no later than 5 April 2015, the full effect of the Rulebook will be apparent only at the end of 2015.