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Bosnia Speeds Up Implementation of EU Food Safety Principles

Report Categories:

Sanitary/Phytosanitary/Food Safety

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Report Highlights:

As a potential candidate for European integration, Bosnia and Herzegovina (BiH) needs to harmonize its veterinary, phytosanitary, and food safety legislation to those of the European Union (EU) before negotiations commence. To facilitate this process, the EU decided to further support BiH's adoption of EU food safety principles. BiH has been developing its institutions, laws, and regulations according to the international food safety and quality standards since 2000, but overall progress has been unsatisfactory. A positive fact is that main food safety institutions and laws are in place, but some institutions still do not operate at full capacity and many important bylaws are still to be drafted and enforced. There are weaknesses regarding the standardization, accreditation and conformity assessment, and intellectual property rights enforcement.

Executive Summary:

The European Union (EU) recently began to implement "Support to Implementation and

Enforcement of BiH Food Legislation” worth approximately €1 million. The goal of this two-year project is to assist Bosnia and Herzegovina (BiH) to accelerate improvement of its food and feed safety system by adopting and implementing EU food safety principles. The project’s main objectives are to support capacity building of the Food Safety Agency (FSA), to enforce existing food safety legislation, and introduce new food safety standards. The project will support the inspection services and laboratories involved in food control and will also register and provide training to food and feed business operators. Key BiH institutions involved in this project are the Food Safety Agency (FSA), the Ministry of Foreign Trade and Economic Relations (MoFTER), the State Veterinary Office (SVO), the Plant Health Protection Administration (PHPA), the Entity Inspectorates, the Ministry of Civil Affairs, and BiH Institutes for Accreditation, Standardization, and Metrology.

General Information:

Author Defined:

Institutional Setup

BiH has two levels of government, the state and the entity level. There is no clearly defined policy and national food safety strategy. Responsibility for food safety is actually shared between the State, Entity, and canton-level authorities, including prior import approvals, food certificates, food inspection, and food laws and regulations. Interaction and coordination between the key institutions is questionable and in some cases chaotic. There is no clear system of communication and chain of command between lower and higher levels of authorities, e.g., canton or municipality-level food inspections have no legal obligation to cooperate with the Entity Inspectorates and sometimes their responsibilities overlap and the inspection responsibility is unclear. BiH established its first state-level food-related institution, the State Veterinary Office (SVO) in 2000. Since then, the State slowly started taking over the agricultural and food issues from the Entities, which resulted in the creation of the Plant Health Protection Administration in 2004, and the Food Safety Agency in 2005. The Sector of Agriculture, Food, Forestry and Rural Development within the State Ministry of Foreign Trade and Economic Relations was established in May 2006 as it was required by the EU—to ensure that BiH has one competent food authority when negotiations for the EU accession begin.

The EU’s 2008 assessment of the BiH agricultural sector indicated that agricultural infrastructure was still weak, the quality of many BiH food products was low, and marketing capacities were limited. In addition, the institutional framework for implementation of SPS measures was weak. BiH was required to harmonize its veterinary, phytosanitary and food safety legislation to that of the European Union (EU) before negotiations commence. Additionally, BiH should establish laboratories and certifying bodies able to confirm compliance of agricultural goods with the EU requirements. BiH is unable to export animals and animal products to the EU because of weaknesses in its food safety system.

Food Laws

Food legislation is a mixture of new, state-level EU-like food regulations, the entity-level laws and old bylaws inherited from former Yugoslavia. This situation creates confusion and in many cases where the law exists but actually cannot be enforced because of inappropriate bylaws or even complete absence of bylaws that further regulate the area.

The most important law, the Food Law (BiH Official Gazette # 50/04) is based on the WTO SPS and TBT requirements and on the EU Regulation 178/2002, regulates the following issues:

- Establishment of the state-level Food Safety Agency;
- General principles and requirements concerning the safety of food and cattle feed;
- Responsibilities of the relevant persons in the food business and cattle feed business with regard to the safety of food and cattle feed;
- General conditions for placing new foods on the market;
- General conditions for placing cattle feed that contains or consists of genetically modified organisms on the market;
- Official control system;
- Official research laboratories and reference laboratories;
- Crisis management and emergencies management etc.

A number of bylaws should be drafted and enforced in order to fully implement the Food Law. Currently, the former Yugoslavia food bylaws are still being used, which are 20 to 30 years old, and in some cases modified by the Entities. Because of that, the bylaws are outdated and not in line with international standards and recommendations, and also inconsistent and conflicting between the two Entities. The absence of clearly defined regulations is also affecting the agricultural trade. For example, placing of new foods on the market (including genetically modified foods) is currently forbidden because of absence of detailed regulations that have to be drafted by the Food Safety Agency and then adopted by the Council of Ministers.

Some progress has been made in late 2008 and 2009 with the adoption of the new food regulation. The following regulation was adopted in 2008 (BiH Official Gazette # 25/08, # 83/08 and # 85/08):

- Law on Wine, and Brandy;
- Rulebook on Refreshing Non-alcoholic Beverages;
- Rulebook on Use of Food Additives for Human Consumption;
- Rulebook on Use of Food Sweeteners;
- Rulebook on Use of Food Additives other than Colorants and Sweeteners;
- Rulebook on Use of Food Colorants;
- Rulebook on Labeling of Food Nutritional Value;
- Rulebook on Strong Alcoholic and Alcoholic Drinks;
- Rulebook on General Labeling of Packaged Food;
- Rulebook on Fruit Juices, Fruit Nectars and Similar products;

The following regulation was adopted in 2009 (BiH Official Gazette # 23/09, # 37/09 and # 39/09):

- Law on Genetically Modified Organisms;
- Rulebook on Honey and other Bee Products;
- Rulebook on Control Methods for Honey and other Bee Products;
- Rulebook on Maximum Levels for Various Contaminants in Food;
- Rulebook on Official Control Methods for Sampling and Analysing Levels of Lead, Cadmium, Mercury, Inorganic tin, 3-MCPD and Benzo (a) Pyrene in Foods;
- Rulebook on Official Control Methods for Sampling and Analysing Levels of Dioxins and Dioxin-like PCBs in Various Foods;
- Rulebook on Official Control Methods for Sampling and Analysing Levels of Nitrates in Various Foods;
- Rulebook on Official Control Methods for Sampling and Analysing Levels of Mycotoxins in Foods;
- Rulebook on Salt for Human Consumption;
- Rulebook on Conditions that Authorized Food Testing Laboratories must Comply with and on Accreditation Process for Laboratories.

Food Testing Laboratories

BiH laboratories for food testing are a critical weakness of its food safety system. There is no clear strategy for efficient use of existing labs and for equipping them adequately. Because of the lack of standards and varying equipment and methodologies, analyses done by different labs do not always match. Therefore, certificates that the laboratories provide are unrecognizable beyond BiH borders.

Food Industry Operators Profile

As per the new Food Law, the responsibility for food safety and quality has been shifted to producers, processors and distributors of food and feed while the State has remained responsible for monitoring and control. The law has not been yet enforced, even so it appears that the private sector has recognized the international trends and accepted the fact that they are responsible for food safety and quality control. Some of export-oriented producers and processors realize the benefits of Quality Management System (QMS) and Hazard Analysis and Critical Control Points (HACCP) system implementation as it leads to improved competitiveness, based on the high level of customer satisfaction, increased opportunities and good reputation in the national and international markets. Many producers have started or completed the certification process with various international certification bodies.