

# PETERKA PARTNERS

THE CEE LAW FIRM

## **New obligations for producers, sellers and importers of food products**

Beginning on April 1st, 2021, Law no. 182/2020 for establishing the content of trans-fatty acids in food products for human consumption ("**Law 182/2020**") will come into force, stipulating new legal obligations for producers, sellers and importers of food products as far as the content of trans-fatty acids ("**TFA**") in food products is concerned.

The maximum TFA content in food products for human consumption shall be **2g/100g of fat**. This ceiling shall be applied to all food products destined for the final consumer, including food products sold in public food supply units and food products destined to be provided to such public food supply units.

The only type of food products that are excluded from the scope of the ceiling provided by Law no. 182/2020 are food products that contain, naturally, TFA in animal fats (for instance, dairy products).

The TFA ceiling obligation provided hereinabove concerns all undertakings in the food sector (such as producers, sellers, importers, either from EU Member State providers or from third-country sources).

The control of the observance of the above-mentioned obligation will be carried out in all phases of the food supply chain. The competent authorities in this respect are: The National Sanitary-Veterinary and Food Safety Authority, the National Consumer Protection Authority, and the Ministry of Health.

The failure to comply with the obligations provided for in Law 182/2020 is **an administrative offence**, sanctioned by a fine ranging from **RON 10,000-30,000 (approximately EUR 2,000-6,000)**.

In addition, the non-compliant food products will be **withdrawn from circulation for human consumption**.

Moreover, after "forthwith" initiating recall/withdrawal procedures of the food product(s) from the market, the relevant food sector undertaking will also have the **obligation to report the recall/withdrawal of the food product(s) from the market to** the above-mentioned competent authorities.

For any further information and assistance with respect to the above and any other legal matters, please do not hesitate to contact us.

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