European Commission

Dual quality of food products

New guidance for EU Member States

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Věra Jourová
Commissioner for Justice, Consumers and Gender Equality

Directorate-General for Justice and Consumers

The purpose of the guidance adopted today by the Commission is to help national authorities to make better use of existing EU food and consumer legislation to identify and address unjustified dual standards.

'It is not right that some people are sold food of lower quality than in other countries, despite the packaging and branding being identical. We must now equip national authorities to cut out any illegal practices, wherever it exists. There can be no second class consumers in Europe.'

European Commission President Juncker, State of the Union Address, 13 September 2017

'Presenting two different products in the same branded packaging is misleading and unfair to consumers. We are working to put an end to this practice, prohibited under EU law. We want all consumers across the EU to be treated equally.'

Věra Jourová, Commissioner for Justice, Consumers and Gender Equality

What is the issue?

Consumers from a number of EU countries have complained that the quality of some products is lower in their home country when compared to products by the same producer sold under the same brand across the border.

The issue concerns food marketed under the same brand and packaging across several EU Member States and which presents differences in composition that are likely to matter for a consumer's decision to buy a product. The key question for a consumer is: 'Would I still have purchased this product, if I knew that there was a significant difference compared to this product I had tasted in another Member State?'

Where the answer is 'no', the consumer has not been sufficiently informed. Consumers should be in a position to understand the main characteristics of the product they purchase.

How can the Commission's guidance be used by national authorities in practice?

EU food legislation provides a list of key information which the producer needs to provide on products' packages. This key information and food safety standards have to be respected in all cases.

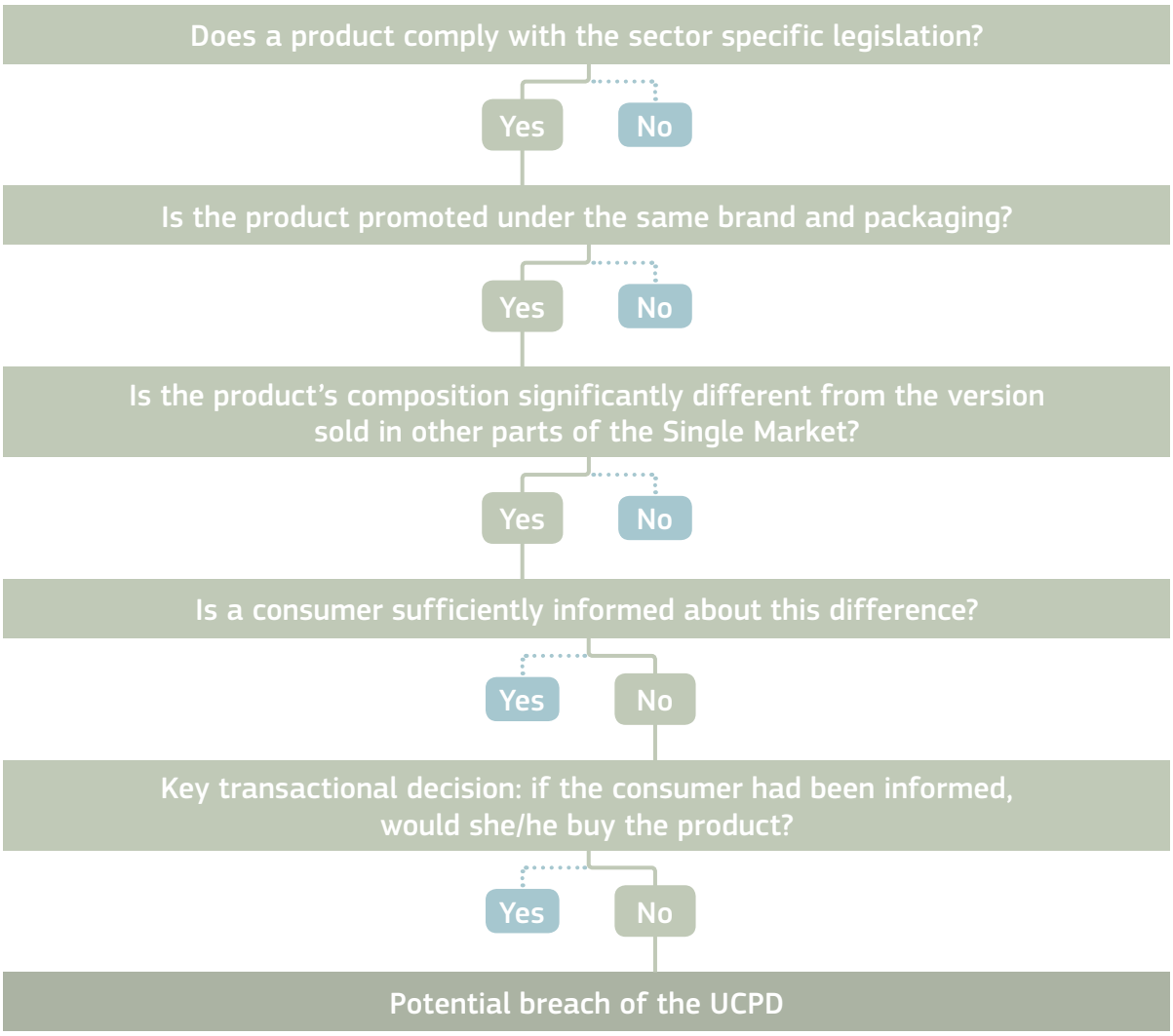
However, businesses in the food sector also need to refrain from misleading practices which are regulated in the EU Directive on Unfair Commercial Practices (UCPD).

The guidance seeks to facilitate the practical application of existing EU law and provides for common investigation guidelines to help enforcers to conduct their assessment. It will help businesses bring clarity to their marketing strategies.

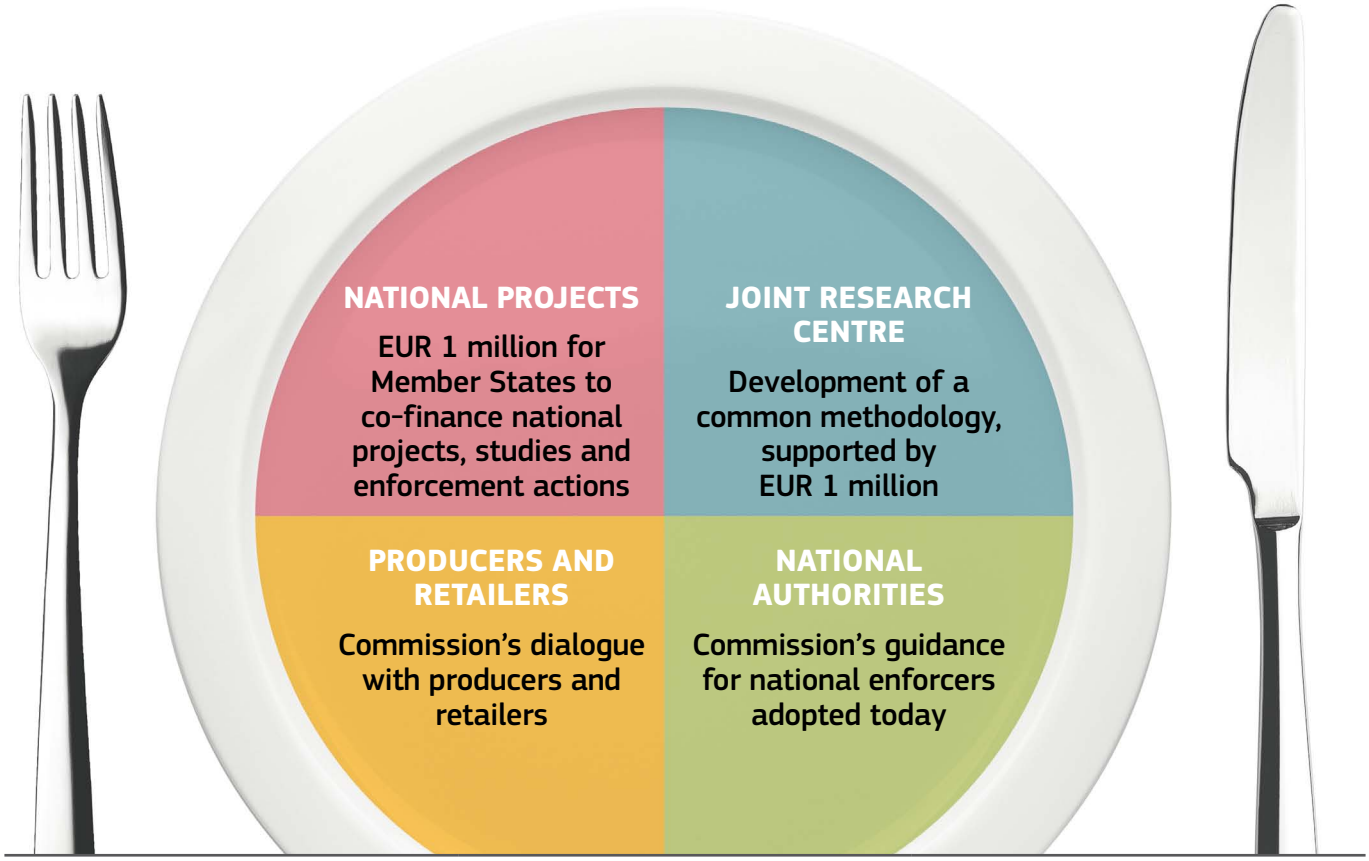
The guidance also contains a flowchart explaining how to assess potentially unfair business practices:

Examples of product differences

- A coffee brand sells coffee with less caffeine and more sugar in two countries, with a similar branding
- Frozen fish fingers contain less fish between different countries, while being marketed in basically the same packaging
- Ice tea contains less sugar and artificial sweeteners instead in some countries



The Commission's menu of actions



Actions	Done	Next steps
National projects	30 November 2017: deadline in the ongoing call for proposals	National authorities to propose projects and roll them out over the next 3 years (validity of the funds)
The Commission's Joint Research Centre's (JRC) harmonised testing approach	September 2017: JRC's meeting with representatives of laboratories which did the tests in Slovakia, Czech Republic, Hungary, Slovenia and Poland (Poland has not yet conducted the study)	October 2017: Launch of a Network on Dual Food Quality with representatives of the national authorities, consumer and industry associations Early 2018: guidelines available for the harmonised testing approach
Engagement with producers and retailers	June 2017: High Level Forum for the better functioning of the food supply chain Regular meetings of Commissioner Jourová with industry representatives	Ongoing High Level Forum discussions on industry commitments for transparency towards consumers on food quality
Guidance for national authorities	September 2017: Adoption of the guidance	Commission to promote the guidance among the authorities and assist them in its implementation