



Council of the
European Union

Brussels, 3 July 2017
(OR. en)

10735/17

AGRI 361
DENLEG 49

NOTE

From: General Secretariat of the Council
To: Council

Subject: **Agriculture and Fisheries Council** meeting on 17 July 2017
Meeting on Dual Quality of Foodstuffs, Bratislava, 30 May 2017
- Information from the Slovak delegation

Delegations will find in the Annex an information note submitted by the Slovak delegation to be presented under the agenda point "Any other business" at the meeting of the Council ("Agriculture and Fisheries") on 17 July 2017.

Meeting on Dual Quality of Foodstuffs, Bratislava, 30 May 2017

In the last couple of years, there have been growing concerns that products despite being placed on the market with identical brands in reality are of different quality depending on in which Member State they are made available. Discussions on this phenomenon of dual quality of foodstuffs appeared at various political meetings, and it is currently one of the topics most debated by the public in some Member States. High quality food is a priority for all consumers, no matter in which country or region they live. Therefore, selling the same products, but with lower quality in some countries, is to be considered as an unethical business practice that misleads consumers. As this issue occurs within the single European market, affected countries perceive the need for coordinated action in order to deal with this problem.

For this purpose, Slovakia organized a *Meeting on Dual Quality of Foodstuffs*, which took place on 30 May 2017 in Bratislava. The objective of the meeting was to support an effective exchange of information and to strengthen the cooperation between Member States. Delegations from Bulgaria, the Czech Republic, Hungary, Poland, Slovenia and Slovakia participated and shared their experience with dual quality foodstuffs, examined the current situation and discussed their main concerns regarding the impact of this phenomenon on the internal market and on consumers.

The meeting served as a platform for presenting results of recent comparative studies of quality of food products. Data confirmed that the phenomenon of dual quality on the internal market does exist. The results of these studies were carefully noted and discussed between delegations. The representatives of Bulgaria, the Czech Republic, Slovenia and Slovakia confirmed that they will conduct further comparative tests of food products. In this context, the meeting proved that all participating countries take the issue of dual quality foodstuffs seriously.

Discussions focused on analyzing the legal and ethical implications of phenomenon of dual quality on internal market and consumers. Delegates agreed that placing the same products but with lower quality on certain markets within the EU misleads consumers, may be perceived as discrimination and negatively affects consumers' trust and public opinion. All EU citizens have the right to be treated equally and to have access to products of the same quality.

Experts shared the opinion that selling foodstuffs with inferior quality but at the same or even higher price in certain Member States undermines the principles of the internal market by violating the rules of fair competition and possibly cause distortion of the European single market.

The meeting offered a closer view on steps taken by national authorities to better define the issue, and identified legal deficiencies when it comes to a common approach to combat this phenomenon. When a product is properly labeled and meets all food safety standards, it might be difficult to make a case against it based on unfair trading practices. For the moment, competent authorities apply a case-by-case approach at national level, as it seems that current rules to stop and prevent dual quality of products are missing. Hence, a common European approach would be welcome. In this context, there is a need to assess the current legal framework and analyze if existing instruments provide sufficient and effective solutions to deal with dual quality at European level. Stakeholders acknowledged that a common approach would deliver more effective instruments to tackle this phenomenon, because it affects single European market.

Cooperation and mutual exchange of information between Member States and competent authorities is one of the key elements to achieve a common approach. Delegations agreed on the need to fully use existing instruments to enhance the cooperation between official control services from different Member States and to support the exchange of best practices. In this matter it is important to promote cooperation with chain stores, producers' and consumer organizations, to ensure transparency and to keep consumers informed.

Also, participants acknowledged the need to provide data to and closely cooperate with the European Commission in order to map the problem across the entire EU.

The next meeting is scheduled to take place at the beginning of the autumn, when the outcome of discussion within the High Level Forum for a Better Functioning Food Supply Chain and results from new studies will be available. Other Member States are invited to join this initiative.