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**NOTE**

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From: General Secretariat of the Council  
To: Council

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Subject: **Agriculture and Fisheries Council** meeting on 6 March 2017  
Experience of certain EU Member States with dual quality of foodstuffs in  
free movement within the EU  
– *Information by Hungary and the Slovak Republic*

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Delegations will find attached an information note from the Hungary and the Slovak Republic delegations on the above mentioned subject, that will be presented under the agenda point "Any other business".

**Experience of certain EU Member States with dual quality of foodstuffs in free movement  
within the EU – Information by Hungary and the Slovak Republic**

Quality and safety of foodstuffs play an important role in consumers' health in all EU countries and in some countries these issues are among national priorities. However experiences with dual quality of foodstuffs in free movement diminish consumers' trust in such products in EU Member States. All activities performed by the European institutions in this area are being closely monitored by the consumers and in most of the cases these actions get wide public support.

In the last couple of years, within free trade of foodstuffs, the fears of the so-called phenomenon of different quality of foodstuffs with the same name and labelling have been growing. These products are sold in different EU countries often from the same producer. Based on consumers' expectations and on an increasing number of queries in this topic, several Member States, including the Slovak Republic and Hungary have carried out tests and evaluations of foodstuffs sold under the same name, labelling and package.

In the Slovak Republic 22 food products were included in the comparative file. The choice was made in order to cover the widest range of different kinds of foodstuffs and to comply with the principle of objectivity (comparing identical products of the same brand and labelling).

Compared food products included 6 dairy products, 5 types of meat products, 2 fish products, 2 kinds of chocolate products, 1 product of bakery products group, 2 beverages, 1 coffee, 1 seasoning mixture, 1 seasoning and 1 tea.

All evaluated products were submitted to sensory tests where colour, consistency, smell, taste and overall appearance were evaluated. Labelling of the products, including list of ingredients, nutritional index, allergens were evaluated within the evaluation test.

Laboratory analysis of some of the qualitative indicators characteristic for particular groups of products have also been carried out, such as regarding e.g. content of meat in meat products, content of fat and proteins in dairy products, content of cocoa substance in chocolates, proportion of solid parts - weight of particular product of the overall weight (e.g. cheese in souse, frozen fish, seasoning, tea), presence of additive substances - preservatives, sweeteners, colourings.

The products were also analysed according to some safety criteria. In these indicators the results were satisfactory. Testing of the products was performed in laboratories performing analyses in the system of accreditation criteria ISO/IEC 17 025.

Based on the evaluations, tested food products can be categorized in three groups:

- **in 9 (nine) products no significant difference was found in monitored indicators,**
- **in 3 (three) products small differences effecting quality in smaller extent were found,**
- **in 10 (ten) products bigger differences considerably effecting quality were found.**

Major differences were observed in 4 milk products, 2 beverages, 1 fish product, 1 seasoning, 1 sweet product and 1 tea. These concerned the composition such as substitution of animal fats by fats of plant origin, usage of materials with lower proportion of fat, lower meat content, added sweeteners instead of sugar, substitution of fruit components by colourings and fruit aromas, differing qualitative indicators of the components (size of leafs, weight of solid part) or the content of the solid component in the souse, different taste and colour of the products, and also the quality of packaging of the product.

Small differences were found in 3 meat products.

In Hungary based on consumer demands and to investigate certain assumptions similar tests were carried out on products marketed as identical in different Member States. The findings were very similar to those seen in Slovakia.

Food safety non-compliances have not been detected, but certain differences in the quality of some products have been identified. Additionally to the experiences of the Slovak examples, use of lower quality (generally cheaper) ingredients in products marketed in Hungary has also been discovered.

Based on the large public interest, Hungary and Slovakia continue to carry out further investigations to protect consumers and their trust in the quality of foodstuffs throughout the whole of the European Union.

The results of the above analyses show that the phenomenon of dual quality of foodstuffs does exist. Guaranteeing the quality of identical foodstuffs in free movement within the European market is a principal issue in order to meet consumers' expectations. On the other hand certain practices in trade with foodstuffs also merit due attention. Therefore Slovakia and Hungary propose to open again the discussion of the issues raised in this note, and ask the Commission to consider appropriate action including legislation at EU level.