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European Union

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NOTE

From: General Secretariat of the Council
To: Delegations
Subject: Dual quality of foodstuffs on the EU common market
– *Information from the Czech delegation*

Delegations will find in the Annex a note submitted by the Czech delegation to be presented under "Any other business" at the Council ("Agriculture and Fisheries") on 17 May 2016.

Dual quality of foodstuffs on the EU common market

Explanatory document by the Czech Republic

The Czech Republic would like to draw attention of Member States and the European Commission to the issue of food sold in the common market of the European Union under the same trademark but differing in individual Member States in its content and quality.

A number of tests that have been performed in the Czech Republic¹ and other countries over a long period of time confirmed such a practice of some multinational companies. The question that increasingly alerts consumers involves the placing of various products on the EU market under the same packaging and trademark, but in differing quality, ingredients or quantity.

In certain EU countries it is thus only possible to purchase under the same trademark and from the same producer products of lower quality and moreover, in many cases at a higher price. The result is that for a certain group of consumers, more valuable raw materials are replaced by less valuable ones or the product contains a different proportion of ingredients. Although such food is labelled correctly with all the data in accordance with applicable EU legislation, in the scale of the EU common market this practice is already on the edge of misleading a part of consumers or food adulteration.

It is therefore necessary to ensure not only food safety and correct labelling, but also the same quality of individual products for all the European consumers on the EU common market. The consumer also shall not be misled in any way. Therefore, regardless of a region or a particular country, products from one producer and of the same name should be of the same quality and should have the same content of ingredients for all consumers.

¹ <http://www.szpi.gov.cz/clanek/tz-2016-vyzkum-cesky-spotrebitel-zada-stejne-kvalitni-potraviny-jako-evropsky.aspx>

The Czech Republic considers the current situation of products being placed on the common market under the same trademark from the same producer but of different quality as unacceptable in relation to consumers. For this reason, the Czech Republic put the issue of *dual quality of foodstuffs* on the agenda of the meeting of Agriculture Ministers of the extended Visegrad Group countries which was held in Prague on 29th April 2016 under the Czech presidency.

The meeting showed that the Czech Republic is not alone in the need to solve this issue. In the discussion on this topic, delegations generally agreed on the unacceptability of the situation and need to find a solution at the European level. Some countries confirmed the occurrence of similar products of multinational companies at their territory; mostly drinks, juices, coffee, sweets, chocolate and baby food but this situation applies to other non-food products too. Delegations also agreed that good consumer awareness plays a fundamental role in eliminating these practices and should be therefore encouraged.

As a next step, in the opinion of the Czech Republic, expert discussions on this issue are needed at the European level with a clear objective of the consumer protection and to find such legislative measures that will prevent the practice of placing products of the same trademark but different quality on the common market in the future.