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From: General Secretariat of the Council

To: Council

Subject: **Agriculture and Fisheries Council** session on 28 January 2019
New deal for consumers Package (Dual quality of foodstuffs)
*- Information from the Presidency and the Commission on the state of play,
requested by the Slovak delegation, supported by the Bulgarian, Croatian,
Czech, Hungarian and Polish delegations*

Delegations will find in the Annex a background information note submitted by the Slovak delegation, with the support of the Bulgarian, Croatian, Czech, Hungarian and Polish delegations, with a view to the Council session ("Agriculture and Fisheries") on 28 January 2019 (AOB).

Request for an update on the state of play of the dual quality issue*Request from the Slovak delegation**with the support of the Bulgarian, Croatian, Czech, Hungarian and Polish delegations*

The Slovak Deputy Prime Minister and Minister for Agriculture Gabriela Matečná raised the question of the dual quality of foodstuffs at the Commission level in the year 2017 and at the same time also presented the results of comparative tests between foodstuffs from the SK and other EU markets at the March 2017 AGRIFISH Council, which was supported by the results of the tests performed by the Hungarian competent authority. The Commission expressed understanding for the Slovak and Hungarian concerns and committed to follow up on the situation. The phenomenon was also addressed at the highest political level at the Visegrad group's Prime Minister's Summit in March 2017 in Warsaw, Poland and in July 2017 in Budapest, Hungary. The leaders appealed to the Commission to inspect the situation and determine whether current legislation is adequately responding to such a problem, with a view to finding concrete solutions. The Commission picked up the issue and added it to the priority political agenda of the High Level Forum for the better functioning of the food supply chain (further referred to as HLF).

Comparative tests have been carried out by numerous other countries, which proved the existence of the phenomenon of dual quality in a number of Central and Eastern European Member States. Based on the aforementioned test results and the differences in the testing methodology it was agreed at the June 2017 HLF meeting that the Commission's Joint Research Centre (further referred to as JRC) will put together a harmonized testing methodology, which will provide guidance to Member States on how to approach comparative testing of foodstuffs. The issue of dual quality was also raised by the president of the European Commission Jean-Claude Juncker in his 2017 State of the Union address. During the Bratislava Summit for "Equal quality of products for all" in October 2017, it was agreed that all EU consumers should be treated equally and fairly.

In April 2018, the New Deal for Consumers was introduced by the Commission, which also offers a possible legislative solution to dual quality products within the revised Unfair Commercial Practices Directive (further referred to as UCPD). The Joint Research Centre also published its harmonised testing methodology, based on which an EU-wide testing campaign should have been initiated in the summer of 2018 with a final report on the outcomes expected by the end of 2018.

In December 2018 we have noticed an attempt to withdraw dual quality from the UCPD. Based on the fact that the UCPD is in the remit of the COMPET Council and that the testing campaign has not met the previously stated timeline, *Slovakia with support of Bulgaria, Croatia, Czech Republic, Hungary and Poland* would like to request an update from the Presidency and the Commission on the state of play of the dual quality issue, both in relation to the legislative solution as well as the testing campaign and its revised timeline.
