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#### NOTE

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From:	General Secretariat of the Council
To:	Council
Subject:	Dual quality of foodstuffs: An issue that persists <i>- Information from the Slovak delegation</i>

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Delegations will find in the Annex a note from the Slovak delegation on the above-mentioned subject which will be dealt with under "Any other business" at the Council meeting ("Agriculture and Fisheries") on 27 May 2024.

**Dual quality of foodstuffs: An issue that persists***Information from the Slovak delegation*

Over many years, a number of Member States, including Slovakia, have been pointing out that the quality of certain foodstuffs, which are marketed as identical across the EU, is significantly different in some Member States. Consequently, in 2017, the Visegrad Group issued a joint Prime Ministers' statement on dual quality of foodstuffs and other commodities with a call for the same quality for the same product across the EU. Later that year, Bratislava hosted the *Summit on Equal Quality of Products for All* with high-level participation from the Member States and the European institutions.

The European Commission responded to this initiative by organizing a meeting of the *High-Level Forum for a Better Functioning Food Supply Chain* and in April 2018 proposed a *Directive on better enforcement and modernization of EU consumer protection rules*, which sought to include dual quality of products in the *Unfair Commercial Practices Directive*. In 2019, the prohibition of dual quality became a principle of the EU law.

Nevertheless, the 2021's JRC study showed that dual quality of foodstuffs is still an issue that persists. The testing campaign covered 26 Member States and it found that a total of 24% of products with identical or similar packaging had different composition.

At the beginning of May 2024, the Slovak authorities conducted an exploratory purchase of 22 food products marketed as identical in other Member States and in Slovakia. The aim was to conduct a pilot assessment in connection with the newly approved national *Consumer Protection Law*, which will soon enter into force in Slovakia. The products were subjected to a comparison of both the packaging appearance and the data on packaging regarding the product's composition and nutritional declaration. The outcome confirmed differences in the objective quality and composition of several purchased foodstuffs. Differences in energy value and other nutritional data were also found, especially in non-alcoholic beverages, seasonings, and products of animal origin.

The explanatory purchase clearly showed that the issue of dual quality of foodstuffs is far from being solved, still persists across the EU, and continues to undermine the consumers' trust in the Single Market. Slovakia deems it unacceptable that European consumers are still treated differently in a discriminatory way.

Therefore, in line with the conclusions of the Special European Council of 17-18 April 2024, we call on the European Commission to pay due attention to this issue. Our firm belief is that the dual quality will also be adequately addressed in the upcoming report on the application of the *Directive on better enforcement and modernization of EU consumer protection rules*. At the same time, we call on the Member States to ensure diligent national enforcement of the applicable provisions of the EU legislation, while making use of all available coordination and cooperation platforms at the European level.