

**Question for written answer E-001037/2018  
to the Commission**  
Rule 130  
**Richard Sulík (ECR)**

Subject: Assessing dual food quality as an unfair trading practice

On 26 September 2017, the Commission issued a set of guidelines on the application of EU food and consumer laws to dual quality products. The guidelines seek to facilitate the practical application of existing European legal provisions and to provide instructions on how to determine whether a given practice may be unfair under Directive 2005/29/EC concerning unfair business-to-consumer commercial practices in the internal market.

If there were a food product on sale in a Member State with the same packaging as a product in another Member State that a consumer had tasted, the consumer would not buy it if he or she knew about the significant difference in quality between the two.

1. How exactly should the national authorities responsible for enforcing Directive 2005/29/EC act, within the meaning of European law, if a consumer or group of consumers report that they have purchased a certain product and feel that it has harmed their economic interests?
2. What procedure must be followed and evidence provided before a Member State can report such labelling of products as an unfair trading practice pursuant to Directive 2005/29/EC if its national authorities discover that consumers could be misled?
3. How and to what major consumer group should the national authorities prove that consumers have been harmed? What enforcement measures may they then opt to take under European law?