



2018/2008(INI)

14.3.2018

DRAFT OPINION

of the Committee on the Environment, Public Health and Food Safety

for the Committee on the Internal Market and Consumer Protection

on dual quality of products in the single market
(2018/2008(INI))

Rapporteur for opinion: Biljana Borzan

(*) Associated committee – Rule 54 of the Rules of Procedure

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SUGGESTIONS

The Committee on the Environment, Public Health and Food Safety calls on the Committee on the Internal Market and Consumer Protection, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

- having regard to Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety¹,
 - having regard to Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers²,
 - having regard to the European Commission Notice of 26 September 2017 on the application of EU food and consumer protection law to issues of Dual Quality of products – The specific case of food (C(2017) 6532),
 - having regard to Commission President Jean-Claude Juncker’s State of the Union speech of 13 September 2017,
- A. whereas results of analyses conducted in several Member States have proven that there are significant differences in the composition and quality of products marketed under the same brand and with the same packaging, and that are advertised in the same way across the EU; whereas those differences are often due to the use of cheaper and of lower quality ingredients, often with a lower nutritional value;
- B. whereas proven differences in ingredients could in the long term affect consumers’ health, for example where the level of fat and/or sugar is higher than expected and when consumers are particularly vulnerable;
- C. whereas consumers in different Members States are unable to assess by themselves the potential differences in the composition of certain products, and are therefore unable to make informed purchasing decisions due to a lack of relevant information;
1. Welcomes the allocation of EUR 2 million for the development of a common testing methodology, and the inclusion in the EU budget for 2018 of a pilot project that aims to assess different aspects of dual quality for several categories of products; urges Member States and national authorities to actively participate in ongoing initiatives to facilitate the process;
 2. Welcomes the debate on dual quality within the High Level Forum for a Better Functioning Food Supply Chain;
 3. Regrets that the Commission Notice on the dual quality of foodstuffs lacks ambition, and proposes steps that will have little or no impact on the market; stresses that it is important to develop clear and efficient guidance and support for consumer authorities, and that corrective action is urgently needed;

¹ OJ L 31, 1.2.2002, p. 1.

² OJ L 304, 22.11.2011, p. 18.

4. Highlights the importance of raising consumer awareness and improving access to information; welcomes the statements made by some manufacturers that they would change their recipes; stresses the role of industry in providing clear and correct consumer information;
5. Stresses that arguments citing consumer preferences and food reformulation should in no way be used as justification for placing products of dual quality on the market;
6. Considers that products marketed in the single market in a specific type of packaging should have the same composition in every Member State, and that consumers should be duly informed of any variation in composition compared to the original recipe; calls on the Commission to guarantee that the quality of products is the same across the Union;
7. Underlines that national authorities are unable to tackle this issue individually, and calls therefore for a solution to be found at EU level; recalls that Directive 2005/29/EC on unfair commercial practices (UCPD)¹ is the main tool for protecting consumers from misleading and unfair practices; calls on the Commission to amend Annex I to the UCPD by adding the practice of dual quality to the blacklist.

¹ OJ L 149, 11.6.2005, p. 22.