Dual quality of products in the single market

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The European Parliament adopted by 464 votes to 69, with 17 abstentions, a resolution on dual quality of products in the single market.

The shortcomings of dual quality of products: although the brand name, packaging design and marketing look at a first glance are the same, several researches conducted in different Member States have revealed in the EU Single Market products, which have clearly different compositions from the point of view of the recipe, the basic raw material used or its share in the product, all this depending on the country of their purchase.

Cases of such significant differences concern not only food products but frequently also non-food products, including detergents, cosmetics, toiletries and products intended for babies. Consumers are concerned about such differences.

Parliament underlined that **any such kind of discrimination is unacceptable** and that all EU consumers should enjoy access to the same level of product quality.

Members welcomed the **Commission's recent announcement of initiatives to address this issue**, including the commitment to delivering a common testing methodology, to allocate a budget for its preparation and enforcement and for the collection of further reliable and comparable evidence, and to updating Directive 2005/29/EC on unfair commercial practices. They encouraged Member States and their competent authorities to **actively participate in ongoing initiatives**, including the development and integration into their working practices of a common testing methodology and the collection of further evidence.

Commission notice: Parliament took note of the Commission notice on the application of EU food and consumer protection law to issues of dual quality of products. It shared the Commission opinion that in the single market, where

consumers have a general understanding of the principles of free circulation and equal access to goods, they do not, *a priori*, expect branded products sold in different countries to be differentiated.

Members are not proposing to standardise the products circulating within the single market or to prescribe manufacturers to change the compositions of their products or to determine the exact composition of the individual products.

However, they consider that the **quality of products should not diverge when offered to consumers on different markets** and that consumer preferences should not be used as an excuse to lower quality or offer different quality grades on different markets.

The resolution therefore emphasised the importance of informing consumers in a precise and transparent manner that the product they buy or know of from another Member State is different in order to avoid misleading them and distorting the impression given by the purchase product.

Recommendation and further steps: Members stated that the issue of double quality standards required an **EU-wide solution** via directly enforceable measures. They emphasised the importance of a public debate to raise consumer awareness of products and their characteristics and highlighted the **role of industry** in improving transparency and clarity in the composition and quality of products and any

changes made to them. They welcomed the Commission's initiative to develop a **code of conduct** in this regard.

Parliament welcomed the Commission's proposal on the New Deal for Consumers, which seeks to tackle dual quality of products by amending Article 6 of Directive 2005/29/EC to designate as a misleading commercial practice the marketing of a product as being identical to the same product marketed in several other Member States, when those products have a different composition or characteristics. They noted, however, that the proposal also contains some unclear provisions that require clarification in order to ensure proper interpretation and application.

Members remained convinced that an **amendment to Annex I** of the Directive introducing another item onto the '**blacklist**' defining the practices prohibited in all circumstances that explicitly mentions dual quality of identically branded products when discriminatory and not respecting consumer expectations would address unjustified cases of dual quality in the most effective way. The legislative process should provide a **clear definition** of what can be considered dual quality.

Lastly, Parliament invited manufacturers to consider placing a **logo** on their packaging to indicate that the content and quality of a product of the same brand are the same in all Member States in order to allow European consumers to have access to products of the same quality throughout the single market.