

Empowering Consumer Organisations on Dual Food Quality:

Conclusions drawn from the project

The project partners of the ECO-Empowering Consumer Organisations project, Adoc, SAFE and InfoCons are very grateful to the European Commission to have been given the opportunity to collaborate on the important issue of Dual Food Quality.

This one-year project funded by the Consumer Programme of the European Commission aimed at tackling the issue of Dual Food Quality by creating training materials accessible for all European Consumer Organisations, testing food products to obtain a better vision of the situation on the EU market and strengthening the collaboration and advocacy capacity of European Consumer organisations.

The Consortium has thus been able to draw the following conclusions on the topic of dual food quality upon the completion of the project:

A) On Consumer Organisations:

The project's main aim was to help and empower European Consumer Organisations in learning more about the issue of Dual Food Quality and having the capacity to themselves launch and conduct testing campaigns after having first taken part in the campaign organised by the ECO-Consortium. This objective encountered several issues during the duration of the project. The main obstacle for European Consumer organisations for taking part in the project was a financial one. Indeed, generally speaking, European Consumer Organisations barely have enough funding to run their own day to day activities in the way they would hope. Several of the contacted organisations were very interested in the topic and found the issue to be of great importance but were unable to further take part in the testing efforts of the consortium due to both lacking finances and manpower. While the project consortium is convinced that European Consumer organisation have and will continue to benefit from the knowledge gathered in the produced Training Materials, they will probably not be exploited to their full potential due to the difficult situation of consumer organisations throughout the EU.

The multilingual character of the European Union is a valuable asset which however can in some cases make the running of initiatives more complex. Indeed, while the consortium has been able to translate the Training Materials into 3 languages on top of the working language English (Italian, French, Romanian), further versions would be necessary for all consumer organisations to have an equal opportunity to make use of the produced outputs.

B) On performing a testing campaign on food products on dual quality

The project partners were eager to perform a testing campaign on a large variety of products to help completing the initial efforts produced by the JRC in their report on **Results of an EU wide comparison of quality related characteristics of food products**. The partners compiled a large database of 250 European products widely available in a minimum of 3 EU countries to be studied. This database served as a basis for the launch of the testing campaign during which data for comparing the branding and the ingredients and nutritional values of the chose food products were gathered in large amounts mainly from the three project partners (in Italy, Belgium and Romania). As explained in the section above, but a few consumer organisations were able to join the consortium in performing these testing activities. The consortium therefore only had access to data from a limited amount of EU markets and while some issues with differing ingredients under identical branding were found, these results cannot be generalized for the whole EU due to the lack of geographical representativeness.

C) On the legal definition of Dual Food Quality:

Under EU law and Single Market principles, traders are free to differentiate their products for different markets. However, consumers cannot be misled by different products being presented to them as identical in the absence of legitimate and objective reasons. The new provision on dual quality under the New Deal for Consumers clarifies that misleading consumers in respect to product composition may, following a case-by-case assessment by the competent authorities, be considered as an unfair commercial practice that is prohibited by EU law. At the same time, the new provision recognizes that traders can adapt goods of the same brand for different geographical markets due to legitimate and objective factors. Therefore, the process to clearly establish the cases of Dual Quality is still a work in progress. Indeed these legitimate and objective factors include among others that of the national preferences of consumers, which remains a vague criteria in determining whether or not a practice can be considered as misleading or not.

The members of the project consortium wish to express their gratitude for having been given the opportunity to work on the topic together. They consortium hopes to see a continued discussion on the topic and further EU wide studies being made so as to make sure all EU consumers are equally protected and have access to products of the same high quality.