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Sent: vendredi 24 novembre 2017 14:51
To: [REDACTED] (JUST)
Subject: FW: [Extranet Wiki] CPC network > Dual quality food products: Commission guides Member States to better tackle unfair practices

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Sent: Friday, november 24, 2017 2:50 PM
To: [REDACTED] (JUST-EXT)
Subject: [Extranet Wiki] CPC network > Dual quality food products: Commission guides Member States to better tackle unfair practices

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 **Dual quality food products: Commission guides Member States to better tackle unfair practices**



Consumer Rights Protection Centre of Latvia considerations:

Although we do recognize the problem of the foodstuff quality differences, we have serious concerns about applicability of the UCPD legislation on the dual quality problem. We do not believe that the UCPD would be the best tool to use against these problems due to the following reasons:

- Unfair commercial practices can be established in the situations when an average consumer could make a transactional decision due to misleading commercial practices/practice does not comply with requirements of professional diligence;
- Some of examples show that, for example, eventhough the branding is the same, there is a one or two ingredients which differ only for 10%. In such situations it would be difficult to establish that consumer's economic behaviour is seriously impaired/ that an average consumer could take a transactional decision;
- It is not clear which would be the standart for each product. For example, if some ingredients differ in various countries due to different reasons, then which would be the original product for comparison of the quality;
- In our opinion the UCPD could be used only in those situations when the product is clearly marketed to be the same in the Sigle Market and there are significant

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differences in between these products. Therefore the assessment should be clearly done on the case by case basis. We can not estimate that the UCPD could be applied for all the foodstuff products with the same branding, but with some differences.

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