



EUROPEAN COMMISSION
Cabinet of Commissioner Věra Jourová,
Commissioner for Justice, Consumers and Gender Equality



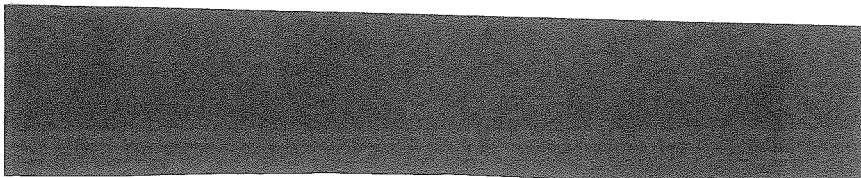
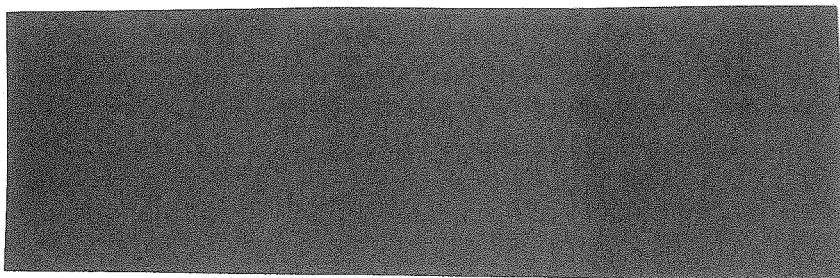
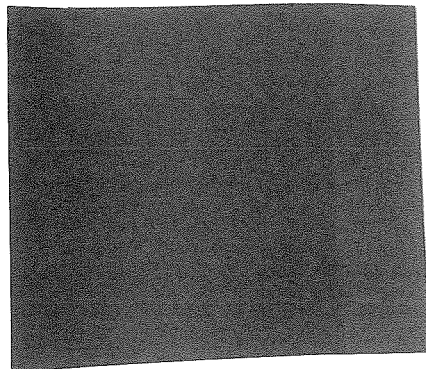
Brussels, 28/07/2017



Your Excellency,

I would be grateful if you ensure the delivery of the attached letter from Commissioners Věra Jourová, Elzbieta Bienkowska and Vytenis Andriukaitis to the Minister responsible for the Agriculture and Fisheries Council.

Yours faithfully,



Elżbieta Bienkowska

Commissioner for Internal Market, Industry,
Entrepreneurship and SMEs

Věra Jourová

Commissioner for Justice,
Consumers and Gender Equality

Vytenis Andriukaitis

Commissioner for Health and Food
Safety

Brussels, 28/07/2017

Dear Minister,

During the last AGRIFISH Council of 17 July 2017 Commissioner Jourová updated you on the actions taken by the Commission to address the problem of dual quality of foodstuffs and emphasised our commitment to do all we can to restore people's confidence in the fair treatment in the EU's single market. There is no place for double standards or second-class consumers in our Single Market. EU consumer protection legislation prohibits that consumers are misled through unfair commercial practices. Together with Commissioner Phil Hogan, we have discussed this matter on 26 July 2017 and have agreed to inform you about the state of play and next steps.

This is to map out in more detail the short term activities that the Commission is carrying out in this area over the coming weeks.

I. Engage with business

Industry can and should play a role in addressing the dual quality food issue, as it may affect consumers' trust in commercial brands. In the June 2017 High Level Forum, business representatives reassured that they are taking the issue seriously and pledged to engage with national authorities and with the consumers to dispel the perception of dual quality issues. This was the first opportunity in which all the actors relevant to the process were brought together.

On 25 July 2017, Commissioner Jourová met again with producers and trade associations to discuss the matter and encouraged them to take adequate measures to solve this issue. During the meeting, the business associations indicated that they are considering a code of conduct to ensure that their members respect the highest level of industry standards to prevent dual quality problems. Furthermore, on 26 July 2017, they have shared with the Commission a statement welcoming the Commission's work, confirming their commitment to a strong Single Market with high consumer confidence and expressing the intention to cooperate in finding solutions for the dual quality issue. They also emphasised their commitment to work together with the Commission, the governments of the Member States and other key stakeholders to develop a robust and pan European testing approach for products.

We consider that the constructive and concrete commitment of the Industry to address the issue of dual quality of products is a very positive achievement. A follow up meeting with producers and trade associations to discuss the implementation of their commitments will take place in the second half of September 2017.

2. Ensure reliable and comparable evidence on dual food practices

Dual food quality is a cross-border issue. Individual Member States alone have difficulties to gather evidence from other Member States. The findings of national studies can be contested as they use different scientific methodologies and cannot always be compared.

The Commission is working on concrete actions to address these problems.

The Joint Research Centre (JRC) has started to develop guidelines for a robust harmonised testing approach, including sampling, and it will also revisit and check, in the next months, the results of the tests conducted by the Member States. This will be done in cooperation with the Industry and a number of other key stakeholders (representatives of the Member States competent Authorities, consumer organisations and Members of the EU Parliament Committee on the Internal Market and Consumer Protection (IMCO)), so as to increase the credibility of such a method.

We will provide additional funding for national consumer authorities to conduct testing on the basis of the harmonised approach.

It is of utmost importance to advance rapidly and establish a sound evidence basis for the discussion on the matter.

3. Enforce EU legislation

At the end of September 2017 the Commission will discuss again the enforcement of applicable EU rules with the Consumer Protection Cooperation (CPC) Network of authorities. The Commission intends to present specific guidance in the form of an interpretative note to support the adequate enforcement of the relevant Union consumer legislation, in particular Directive 2005/29/EC on Unfair Commercial Practices. This will provide a clear and uniform basis on which relevant authorities in the Member States can rely for their individual actions and will facilitate the launch of a possible joint enforcement action, if appropriate.

We invite you to encourage the competent authorities in your Member States to remain vigilant and ready to act to address any possible case of non-compliance in cooperation with their counterpart authorities in the Union. We will also make sure that respective food or health control authorities are also invited to the event end of September to facilitate a coordinated approach within Member States.

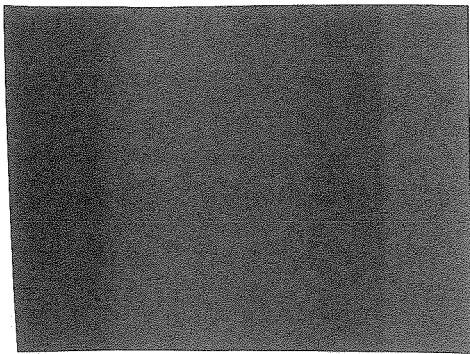
4. Continue to work with national governments and other relevant stakeholder in established fora

Building on the good experience in June, the Commission will put this item on the agenda of the next Sherpa meeting of the High Level Forum on 3 October where we will provide further updates on the progress achieved across the various ongoing work-strands, in particular as regards progress made by the JRC on the harmonised testing approach. The Plenary meeting of the High Level Group at Ministerial and Commissioner's level is planned for 6 December 2017.

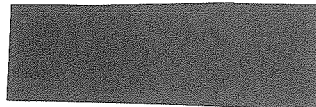
As also stated by President Jean Claude Juncker on 27 July 2017 in the context of his meeting with the Prime Minister of Slovakia, Robert Fico, the Commission takes the issue of dual quality practices very seriously, as it is a European issue, and it is determined to solve it. Commissioner Jourová has welcomed positively the suggestion of Prime Minister Fico to organise a Summit on this topic.

It remains our priority to make sure that in our Single Market there is no place for double-standards towards consumers and that we deal with the matter urgently, on the basis of facts and evidence and with the involvement of all stakeholders.

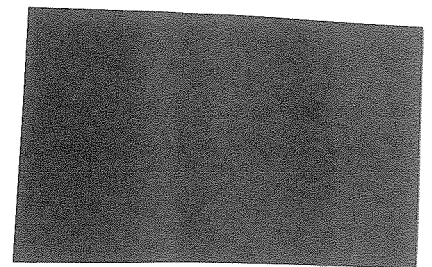
Yours faithfully,



Elżbieta Bienkowska



Věra Jourová



Vytenis Andriukaitis