



Diploma e Master Universitario in Alti Studi Europei
Collegio Europeo di Parma

Course on:
"EU Food Law and Policy"
2023

Prof. Patrick Deboyser

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"Food Quality in the EU"

Tuesday 16 April 2024

The Regulation of Food and Drugs

- ❑ The two most regulated product categories in the EU (in the world?)
 - Often regulated together (e.g., US-FDA, DG SANTE).
- ❑ Many commonalities (oral administration).
 - Borderline products.
- ❑ Essential differences !

	PHARMA	FOOD
Mode of administration	Oral (++)	Oral

The Quality of Pharmaceutical Products

- ❑ Quality requirements for manufacturers:
 - ❖ qualified person
 - ❖ approval of manufacturing plant
 - ❖ GMP inspections
- ❑ Quality of the product
 - ❖ quality of active ingredient (e.g. purity criteria)
 - ❖ quality of finished product
 - ❖ batch release
- ❑ Quality of generic products/biosimilars
 - ❖ same requirements as original products
 - ❖ bioequivalence

The Quality of Food

- ❑ Not a condition for placing on the market!
- ❑ Can you make it a condition of placing on the market ?
 - Within the EU ?
 - ❖ “Cassis de Dijon”
(Judgment of the Court of 20 February 1979 in Case 120/78, Reports 1979-00649)
 - ❖ The German beer case (Purity law : hops, barley, water and yeast
(Judgment of the Court of 12 March 1987 in Case C-178/84, Reports 1987-01227)
 - ❖ Harmonized standards (e.g. fruit juices, chocolate)

The 'Dual Food' Issue

Is eastern European Nutella worse?

Eastern European politicians are starting a war on food. They are recycling old claims that western manufactures are dumping inferior products on them. The EU needs to take these concerns seriously.



The 'Dual Food' Issue

EU PLANS TO CRACK DOWN ON COCA-COLA, NUTELLA, FISH FINGERS FOR DOUBLE STANDARD



BRUSSELS: The EU unveiled plans Tuesday to crack down on food makers selling poor quality versions of products including Coca-Cola, Nutella and fish fingers in different parts of the bloc, particularly in eastern Europe.

In the Czech Republic, Coca-Cola uses fructose-glucose instead of natural sugars.



The 'Dual Food' Issue

- Dual quality is a practice in which:
 - ❖ **multinational** food companies
 - ❖ use **different** recipes, formulations or standards
 - ❖ for items sold:
 - under the **same brand name**
 - and with very **similar looking packaging**
 - but of **lower quality**.

The 'Dual Food' Issue

- EU wide testing survey (European Commission, 2019)
+ economic data collected from different statistical sources suggest
 - ❖ Incentives to offer different versions of seemingly identical branded food products in different countries under the same brand name are:
 - differences in **income levels** between Member States
 - different **consumer preferences** across countries
 - product **complexity**
 - ❖ **No consistent pattern** of regional differentiation of products

The 'Dual Food' Issue

❑ Legal or illegal ?

- ❖ Legal to differentiate products for different markets
- ❖ Illegal to mislead consumers by presenting different products as identical in the absence of legitimate and objective reasons.

❑ 2017

- ❖ European Commission [Guidelines](#) on the application of EU food and consumer laws to dual quality products
 - help national authorities to decide whether a company is breaking EU laws when selling seemingly identical products with a different composition in different countries

The 'Dual Food' Issue

□ 2019

- ❖ Directive (EU) 2019/2161 of 27 November 2019 on better enforcement and modernisation of Union consumer protection rules
- ❖ Includes a specific Amendment to the Unfair Commercial Practices Directive dealing with dual quality of goods
 - *The marketing of a good, in one Member State,*
 - *as being identical to a good marketed in other Member States,*
 - *while that good has significantly different composition or characteristics,*
 - *can constitute a misleading commercial practice*
 - *on the basis of a case-by-case assessment,*
 - *unless justified by legitimate and objective factors.*

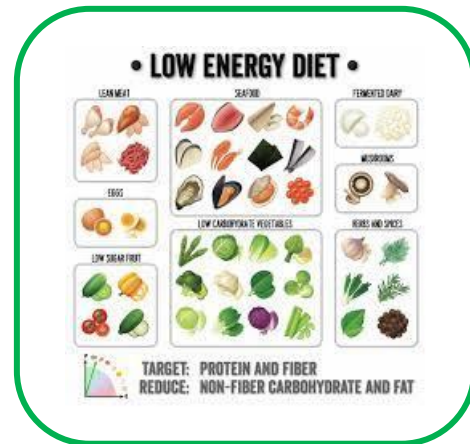
The 'Dual Food' Issue

In the Czech Republic, Coca-Cola uses fructose-glucose instead of natural sugars, **as in Spain, USA and Canada.**



The Quality of Food

- ❑ Not a condition for placing on the market!
- ❑ Hardly any notion of “inherent quality” (as opposed to “perceived” quality)



V.



Origin = Quality ?



Origin = Quality ?

Yes! Sometimes.





= Quality ?



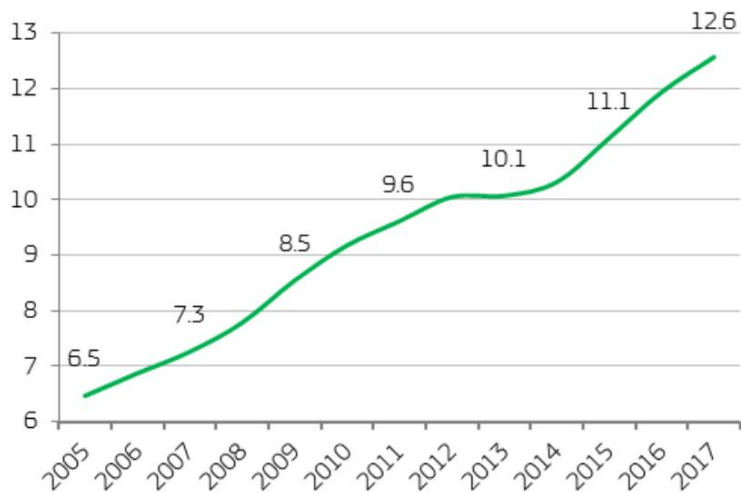
- ❑ Organic farming is an agricultural method that aims to produce food using natural substances and processes.
- ❑ This means that organic farming tends to have a limited environmental impact as it encourages:
 - responsible use of energy and natural resources;
 - maintenance of biodiversity;
 - preservation of regional ecological balances;
 - enhancement of soil fertility;
 - maintenance of water quality.
- ❑ Additionally, organic farming rules encourage a high standard of animal welfare and require farmers to meet the specific behavioural needs of animals.



= Quality ?

+70 %

Over the last 10 years, the EU organic area has grown by more than 70 %.



Almost

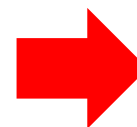
250 000

organic farms in the EU in 2016



8,5 %

organic land out of total EU farm land in 2021



25 %
of agricultural land dedicated to organic farming in 2030



= Quality ?

Yields on organic farms may be significantly lower, ranging between

40 % and 85 %

of yields in conventional farming

Premiums on producer prices for organic products reach up to

150 %

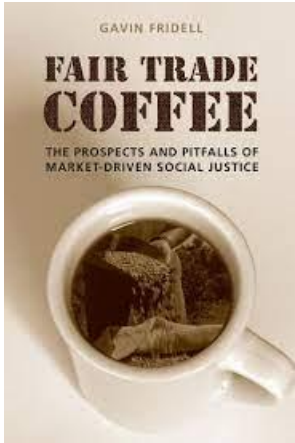
in addition to conventional prices



Fair Trade = Quality ?



®



~~Child Labour~~ = Quality ?



Next :



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"Overview of the EU Food Legislation"
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