

# Visegrad Group countries as a junkyard of Europe? Quality of food and beverages as a theme of the 2019 European Parliament election campaigns – the case of Czechia

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## Abstract

*The so-called dual food quality played a very important role in the Visegrad Group countries, including in the local European Parliament election campaigns. Therefore, it is also addressed in this study, which focuses primarily on the legal and political science aspects thereof. The main research questions that I try to answer are whether it is legal under European law to market a product with the same or similar packaging with different ingredients and what role dual food quality played in the campaigns of political parties in the Visegrad Group countries during the European Parliament elections. In the introduction, I define the concept of food quality as well as the so-called dual food quality, which both European and Member States' legislation (including the Visegrad Group countries) are only getting acquainted with. In the main chapters, I deal with the development of legislation on dual quality at the EU level, listing concrete steps taken by the EU within the common market and analysing the campaigns of Czech political parties in the European Parliament election as a case study. In addition, the programmes of parties standing for election and their other public presentations in the campaign are analysed.*

**Keywords:** food and drink quality, European Parliament election, Campaigns, Visegrad, European Union, Czech Republic

## Introduction

On 27 July 2017, The European Commission offered to pay for member states' studies into an alleged practice that has been dubbed as „dual food quality”. The leaders of several Central and Eastern European countries have complained that food and other consumer products offered in their countries are of inferior quality when

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compared to identical products in western European countries. In particular, the Visegrád Group of the Czech Republic, Hungary, Poland, and Slovakia has been active in raising the political profile of the issue (Novotný, 2016). And they achieved their goal, as the EU commission chief, Jean-Claude Juncker, publicly rallied behind the Visegrád countries (European Commission, 2017). EU politicians admit that there could be products that have the same name in different countries and that the labels indicate they have different ingredients. This is why the dual quality of food has been on the EU's radar for the past couple of years. The controversy started when consumers, particularly from Eastern countries, complained that the composition of certain foodstuff, such as soft drinks, coffee, and fish fingers, was different in their home country compared to other member states.<sup>1</sup>

Although it is not yet clear whether this is an illegal practice, on 6 May 2019, the Czech prime minister, Andrej Babiš, publicly stated that he is launching a fight against the so-called dual food quality within the common market of the European Union. In his words, the practice of Czech customers buying goods of a different, poorer quality compared to that of products in Western European countries, even though it is a product with the same packaging, needs to end. Babiš is considered a technocratic populist who can very well “listen” to public demand (Hanley and Vachudova, 2018; Novotný and Šárovec, 2020; Maškarinec 2019; Maškarinec and Novotný, 2020). He purposefully spoke shortly before the European Parliament elections on 24 and 25 May 2019. „Mayonnaise in Spain has the same packaging as mayonnaise in our country, but the composition is completely different. There is a completely different content of fat, sugar, glucose and so on”, he fulminated in the Czech press, including in a newspaper owned by his Agrofert holding<sup>2</sup>.

He also commented on other selected foods and beverages. In one of the ANO 2011 Movement party pre-election spots, Babiš compared, among other things, Czech and German Coca-Cola, saying that he had tasted both and liked the German better. At a press conference to launch the election campaign of his movement, Andrej Babiš labelled the Czech Republic as „the garbage can of Europe”<sup>3</sup>. In mid-2019, his government undertook to discuss an amendment to the Food Act, which should include a provision under which, in the Czech Republic, it would be prohibited to market foodstuffs labelled identically as foodstuffs marketed in another EU Member State with different composition or properties. According to the Czech

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<sup>1</sup> Tn.nova.cz (2019), Česko popelnicí Evropy: všechny strany řeší dvojí kvalitu potravin, 16 May (retrieved from <https://tn.nova.cz/clanek/co-dal-s-dvoji-kvalitou-potravin-ceske-strany-odhalily-plany.html>).

<sup>2</sup> Idnes (2019), Babiš vytáhl proti dvojí kvalitě potravin, jiné v Česku a jiné na západě, Idnes, (retrieved from [https://www.idnes.cz/ekonomika/domaci/dvoji-kvalita-potravin-babis-obchodni-retezce-vlada.A190506\\_091230\\_domaci\\_kop](https://www.idnes.cz/ekonomika/domaci/dvoji-kvalita-potravin-babis-obchodni-retezce-vlada.A190506_091230_domaci_kop)).

<sup>3</sup> Tn.nova.cz (2019), Česko popelnicí Evropy: všechny strany řeší dvojí kvalitu potravin, 16 May (retrieved from <https://tn.nova.cz/clanek/co-dal-s-dvoji-kvalitou-potravin-ceske-strany-odhalily-plany.html>).

Minister of Agriculture, Miroslav Toman, a fine of up to CZK 50 million is to be imposed for the failure to do so<sup>4</sup>. The amendment is now at the beginning of the legislative process. The Ministry of Agriculture wants to ban dual quality, but critics from the opposition and traders' associations say that it is just another repressive tool against small sole traders. Pursuant to the amendment, compliance with the ban should be superintended by the Czech Agriculture and Food Inspection Authority. In addition, the European Union, which points out the need to respect the rules of free competition in the EU single market, also joined the critics.

The so-called dual food quality has also played a crucial role in the European Parliament election campaigns in the Visegrád Group countries<sup>5</sup>. Several political parties made dual food quality a central theme of this election. According to research, most often, different ingredients are used in long-lasting foods and some carbonated beverages, but also in sausages, marmalades or spirits<sup>6</sup>. Manufacturers usually state that the reasons for these differences are different consumer requirements and expectations in individual national markets, particularly in the taste of foodstuff or beverages. Obviously, the problem is not so massive and cannot be pinned on the division between Western and Eastern markets, but what is essential for the public debate in these countries is that the citizens and politicians here perceive it as a major problem. And that is why the topic is dealt with not only by food quality experts but also by psychologists, sociologists and lawyers. And what can be viewed from the perspective of Brussels and Western Europe as a marginal issue is an issue much discussed in the Visegrád Group countries, which contributes to the sceptical view of the EU which is relatively widespread here.

This is one of the reasons why this topic has been discussed at plenary sessions of the European Parliament. At their meeting on 17 April 2019, MEPs approved new rules to increase transparency in online shopping and avoid dual product quality. They are part of the so-called „Directive on better Enforcement and Modernisation of EU Consumer Protection Rules – A New Deal for Consumers” (European Parliament, 2019) – a reform of the four EU consumer protection directives. Their aim is to strengthen and better enforce the consumer rights of Europeans. Specifically, this means removing the biggest differences that remain between the Member States. The standards were approved by the EU Council on 27 November 2019.

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<sup>4</sup> Radio.cz (2019), Ministry wants to fine food producers up to CZK 50 million for dual standards, 29 April (retrieved from <https://www.radio.cz/en/section/news/ministry-wants-to-fine-food-producers-up-to-czk-50-million-for-dual-standards>).

<sup>5</sup> Balkaninsight.com (2019), Central Europe’s Populists Struggle to Repeat Organ's Winning Formula, 20 May (retrieved from <https://balkaninsight.com/2019/05/20/central-europes-populists-struggle-to-repeat-orbans-winning-formula/>).

<sup>6</sup> Atlatszo.hu (2018), V4 stance on food quality: Second rate food for second rate citizens?, 25 January (retrieved from <https://english.atlatszo.hu/2018/01/25/v4-stance-on-food-quality-second-rate-food-for-second-rate-citizens/>).

The new policy is a step towards achieving equal rights for all citizens across the Union. In practice, it aims to strengthen consumer protection, for example through the possibility of class action suit and collective redress, while making it possible to more severely sanction companies that do not comply with the rules. However, the prime ministers of the Visegrád Group countries have declared the adopted directive insufficient<sup>7</sup>. In their view, it even allows manufacturers and traders to market dual quality goods by making use of the various exceptions contained in the new directive. „This is inadmissible and it will be necessary in the next term of the EP to initiate steps that will address this issue consistently”, said the Czech Prime Minister Babis in response to the adoption of the directive.<sup>8</sup>

In this study we will answer two questions:

RQ1: Is it legal under European law to market a product with the same or similar packaging with different ingredients?

RQ2: What role did dual food quality in the Czech Republic play in the European Parliament election campaigns of Czech political parties?

The study will not focus on the analysis of food composition, but will primarily deal with the impact of these possible differences in public space and politics. It therefore focuses on the legal and political aspects of the issue. In Chapter 1, the term “food quality”, as recognized by the Czech law, as well as by the law of other countries, will be explained. However, we will also try to provide a definition of the so-called dual food quality, which the Czech and European legislation is only getting acquainted with. We will point out that this concept is not enshrined in legislation and that it is largely a subjective impression. However, at least in the Central European countries, this is a political problem, which is therefore being addressed not only in these countries but also at the EU legislation level. Indeed, attention will be paid in Chapter 3 to how EU legislation and legislation in these countries deal with the concept of food quality, including dual quality food and consumer protection, and what steps it takes to eliminate or minimize it. The main chapters deal with the analysis of the European Parliament election campaign. The procedure is qualitative: a content analysis of the parties' public presentations and interviews with election leaders in the Czech Republic were carried out.

## 1. Theoretical background

Many forums are constantly talking about food safety and quality (Desai and Waller, 2010). In particular, the media use this term extensively. But the question is: what do they actually mean when using this term? The term „food quality” is an

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<sup>7</sup> EU observer (2017), Visegrad lobby makes food quality an EU issue (retrieved from <https://euobserver.com/political/138631>).

<sup>8</sup> Tn.nova.cz (2019), Česko popelníci Evropy: všechny strany řeší dvojí kvalitu potravin, 16 May (retrieved from <https://tn.nova.cz/clanek/co-dal-s-dvoji-kvalitou-potravin-ceske-strany-odhalily-plany.html>).

extremely complex, dialectical term (Nardi *et al.*, 2020). Moreover, in Central European countries, it is often equated with the concept of „dual food quality”, which is not yet enshrined in legislation. Neither agreed, nor approved definitions are known yet (Sisto *et al.*, 2019).

This statement is extremely important - the consumer may not only be the end consumer of the food, but also, for example, a food business for which profit is an essential parameter (Caswell and Mojduszka, 1995; Brunsø *et al.*, 2002). It usually includes characteristics such as appearance, texture, taste, characteristics that are defined by legislation (safety, commodity and nutritional parameters, including labelling), commodity-specific normative requirements (e.g. PNT), food processing hygiene requirements that cover the whole production process as well as social and religious demands (e.g. kosher, halal) (Starbird, 2005). And what is „dual quality food”? Basically, it is the „same packaging, different compositions”. However, this is only one of many quality parameters.

However, in the case of the so-called dual food quality, we have encountered another important problem of the common market, which is not as legally unambiguous as explained by some politicians in Central Europe. Indeed, „poor quality food” is far from being harmful to health or unsuitable for human consumption. It can be safe from the point of view of applicable legislation. However, it is different in composition. Although EU legislation focuses primarily on their safety, in many specific cases, it also regulates quality and composition. The same quality requirements apply across the Union, for example, to chocolates, eggs, poultry or fruit and vegetables.

Food quality differences also apply to beverages. This is especially true for the differences in the composition of Coca Cola and Fanta. We will now refer to the first research carried out in 2019 by the Czech consumer organization dTest<sup>9</sup>. It was one of the researches that found differences in food composition. As for beverages, the division into countries sweetening with sugar and fructose-glucose syrup was reconfirmed; in addition, different contents of orange juice were found in Fanta. The lowest juice content is in the Danish (4.5 percent) product, the most in the Italian variant (12 percent). Fanta is marketed with 5 percent fruit juice content in the Czech Republic. Research by the Czech media company Mafra has also found differences. In 2017, they tested thirteen Fantas from different countries of the world. Of these samples, only lemonades from the Czech Republic and Slovakia were identical. Taste, but also colour and other perceptions were tested. By way of illustration: in the „real” American Fanta, you will not find a single millilitre of fruit juice. It is also missing in the beverage from the hot Egypt, while Italian or French versions contain 12 percent of the juice. In Spain, the manufacturer, Coca-Cola, sweetens the lemonade with sugar,

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<sup>9</sup> dTest (2019), Evropský průzkum rozdílů kvality potravin, August (retrieved from <https://www.dtest.cz/clanek-7465/evropsky-pruzkum-rozdilu-kvality-potravin#5e807c0b65fa2-0-tab>).

glucose-fructose syrup and artificial sweeteners (similar to France), with fructose-glucose syrup for the Czech and Slovak markets, and solely sugar for the German market<sup>10</sup> (Novotný, 2019). Coca-Cola has argued that, in each country, it also makes decisions based on consumers' taste preferences since in some countries, according to surveys, people prefer a less 'juicy' and, thus, a less sweet taste.

A similar result was found in the comparison by dTest in the case of the Lidl/Freeway brand orange lemonade. The Italian version contains 10 percent orange juice while the Czech one contains 3 percent. In both cases, manufacturers explain this by the special requirements of the Italian regulations. Similarly, we could mention the differences in other products, for example Fuze Black Tea Peach Hibiscus is sold on the Czech market with 0.1 percent peach juice content, in Germany it is 3 percent and 5 in Italy (European Parliament, 2017). The University of Chemistry and Technology in Prague tested 23 products sold under the same name in the Czech Republic and Germany in 2015. The tests conducted in partnership with Ahold Czech Republic (owner of the Albert Heijn supermarket chain) identified differences in eight products. In some instances, products were more expensive in the Czech Republic even though they were made of cheaper ingredients, and they tasted worse than products for the German market<sup>11</sup>.

These differences are discussed in the public space of the Visegrád Group countries, especially in the media, and there is a clear pressure on the Czech politicians to push for eliminating these differences. The public there is convinced that manufacturers deliver significantly lower quality products to the former Eastern bloc markets. According to one opinion poll conducted by STEM/MARK, 70 percent of Czechs consider themselves to be second-class consumers and believe they are not sufficiently protected<sup>12</sup>. Consumers between the age of 45 to 59 and people living in Prague are more critical.

## 2. The European Union and Czech legislative regulation of dual quality

Under EU legislation, placing a product on the market as identical to a product placed on the market in other EU Member States, even though such a product has a significantly different composition or characteristic that cannot be justified by legitimate and objective reasons, could mislead consumers<sup>13</sup> (Camanzi *et al.*, 2019;

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<sup>10</sup> Ibidem.

<sup>11</sup> Radio Prague (2015), Study reveals stark differences in same food and drink sold on Czech and German markets (retrieved from <https://www.radio.cz/en/section/curaffrs/study-reveals-stark-differences-in-same-food-and-drink-sold-on-czech-and-german-markets>).

<sup>12</sup> Stemmark (2017), Češi se považují za spotřebitele II. kategorie (retrieved from <https://www.stemmark.cz/cesi-spotrebitele-ii-kategorie/>).

<sup>13</sup> Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC; Directive 97/7/EC of the European Parliament and

Fares and Rouviere, 2010). All foods placed on the EU market must comply with strict legal requirements to protect consumer health and be correctly labelled with information on composition and characteristics so that consumers are properly informed before purchasing a particular food<sup>14</sup> (Aalders and Wilthagen 1997; Grunert, 2005).

In 2016-2018, some Member States and consumer associations reported differences in the composition or sensory characteristics of some foods sold on their markets compared to the same foods marketed in other Member States (European Parliament, 2020). Last year, the European Commission had selected food products tested in various EU Member States. The results point to the fact that some products bear the same or a similar mark although their composition is different. Also, former Commission President Jean-Claude Juncker stated already in his speech on the state of the Union in 2017<sup>15</sup> that he was trying to address the issue of dual product quality. One of these Juncker's initiatives is a study that analysed nearly 1,380 food products in nineteen EU countries, conducted by the Joint Research Centre, an internal Commission service for sharing scientific knowledge. Products were grouped into nine categories using as criteria whether product composition and the front-of-pack were 'identical', 'similar' or 'different'. The appearance of the front-of-pack was visually examined by a panel of JRC assessors for similarity grading to reduce the effect of individual perceptions of differences in the graphical design of the front-of-pack (European Commission, 2019). This test campaign was part of the European Commission's response to the concerns about dual food quality. The products were

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of the Council of 20 May 1997 on the protection of consumers in respect of distance contracts; Directive 98/27/EC of the European Parliament and of the Council of 19 May 1998 on injunctions for the protection of consumers' interests; Directive 2002/65/EC of the European Parliament and of the Council of 23 September 2002 concerning the distance marketing of consumer financial services and amending Council Directive 90/619/EEC and Directives 97/7/EC and 98/27/EC; Directive (EU) 2019/2161 of the European Parliament and of the Council of 27 November 2019 amending Council Directive 93/13/EEC and Directives 98/6/EC, 2005/29/EC and 2011/83/EU of the European Parliament and of the Council as regards the better enforcement and modernisation of Union consumer protection rules, OJ L 328, 18.12.2019.

<sup>14</sup> Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 Text with EEA relevance

<sup>15</sup> European Commission (2017), President Jean-Claude Juncker's State of the Union', 13 September (retrieved from [https://ec.europa.eu/commission/presscorner/detail/en/SPEECH\\_17\\_3165](https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_17_3165)).

selected based on proposals from Member States following complaints from authorities or consumer protection associations.

The results of this study show that, in most cases, the composition corresponded to the way the food was presented: 23 percent of products had the same front of the package and the same composition, and 27 percent of products indicated different compositions in different EU countries with different fronts of the package (Duina and Zhou, 2021). However, a third of the products tested had different compositions, although the designation was identical or similar. In 9 percent of the products compared, the composition was different, although the front of the packaging was identical. For another 22 percent of products with different compositions, the front of the packaging was similar (European Commission, 2019). In some cases, there were differences in content in percent units.

The study did not reveal any uniform geographic pattern, meaning that scientists in the composition found no evidence of a division between East and West. What is more, it seems dual quality is not just a problem in Central and Eastern Europe, but across the whole European Union.

Based on the new methodology that has been developed, the competent national authorities will now be able to analyse the individual cases needed to identify misleading practices prohibited under EU consumer law (European Commission, 2017). This report therefore provides the basis for a discussion on dual quality in the EU single market (in't Veld, 2019; Badinger, 2007; de Bruijn *et al.*, 2008). However, a need for further research emerged from the report, i.e. to make this assessment more representative and to better understand the link between composition and quality. The European Commission therefore launched a new call for proposals on June 24, 2019 with a total budget of EUR 1.26 million to strengthen the capacity of consumer organizations to test products and identify potentially deceptive practices<sup>16</sup>.

A new study on food quality has found detectable differences between European products but said they were not correlated with geography, lending weight to the idea that there is no East-West divide in the food quality discrimination in Europe. The study, published on 23 March 2021 by the Joint Research Centre (JRC), the European Commission's science and knowledge service, aimed to establish whether previously discovered compositional differences in products can be perceived by human senses<sup>17</sup>.

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<sup>16</sup> Euroalert.net (2019), Call for proposals for action grants for limiting dual quality and strengthening consumer organisations in the EU (retrieved from <https://euroalert.net/call/3940/call-for-proposals-2019-action-grants-for-limiting-dual-quality-and-strengthening-consumer-organisations-in-the-eu>).

<sup>17</sup> Euractiv (2021), New report reiterates there is no East-West divide in food quality, 24 March (retrieved from <https://www.euractiv.com/section/agriculture-food/news/new-report-reiterates-there-is-no-east-west-divide-in-food-quality/>).



The Czech legislation does not yet prohibit the sale on the Czech market of products that have multiple versions under the same packaging, yet with a different composition, within the EU. However, especially widespread business tourism of Czechs to Germany has shown that products sold in Germany are often of higher quality than the Czech ones<sup>18</sup>. 77 percent of Czechs consider dual food quality to be a problem; as a result, roughly one in seven purchases abroad or has goods imported from there. Nearly a third of people refrain from buying some food because of that. Most often, people to Germany for shopping. This has been shown in the results of a survey conducted by KPMG<sup>19</sup>.

Thus, in recent years, there has been a relatively strong public demand for tackling the issue of dual food quality to which politicians respond especially before the elections. Specifically, an amendment to the Act on Foodstuff is currently under preparation, according to which differences in the composition of foods under the same packaging in different countries will be prohibited in the Czech Republic. The proposed amendment extends the powers of the Czech Agriculture and Food Inspection Authority and extends the possibility to label food as Czech. Failure to comply with the ban on the sale of food with the so-called dual quality will be punishable by a fine of up to CZK 50 million<sup>20</sup>.

### 3. Material and methods

This study focuses on the importance of the so-called dual quality of foods and beverages in the campaign of Czech political parties before the European Parliament elections in May 2019. These elections are second-order elections. Traditionally, in the Czech Republic, little attention has been paid to them, which is also reflected in the low turnout. It reached 28.72 percent, which was the third lowest turnout in all EU countries after Slovakia and Slovenia<sup>21</sup>. Czech citizens elected candidates from 39 political groups. In this election, the ANO Movement won with 21.2 percent, winning 6 seats. ANO was followed by ODS, Pirates, STAN and TOP 09, SPD, KDU-CSL and KSCM. ANO won in all regions except Prague. A total of

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<sup>18</sup> The European Consumer Organisation (2018), *Dual Product Quality across Europe: state-of-play and the way forward*. The European Consumer Organisation, Brussels (retrieved from [http://www.beuc.eu/publications/beuc-x-2018-031\\_beuc\\_position\\_paper\\_on\\_dual\\_quality.pdf](http://www.beuc.eu/publications/beuc-x-2018-031_beuc_position_paper_on_dual_quality.pdf)).

<sup>19</sup> KPMG (2020), *Kvůli dvojí kvalitě potravin mění Češi svoje nákupní chování* (retrieved from <https://home.kpmg/cz/cs/home/pro-media/tiskove-zpravy/2020/02/kvuli-dvoji-kvalite-potravin-meni-cesi-nakupni-chovani.html>).

<sup>20</sup> Czech Radio (2019), *Ministry wants to fine food producers up to CZK 50 million for dual standards*, 29 April (retrieved from <https://www.radio.cz/en/section/news/ministry-wants-to-fine-food-producers-up-to-czk-50-million-for-dual-standards>).

<sup>21</sup> Europarl (2019), *2019 European election results* (retrieved from <https://www.europarl.europa.eu/election-results-2019/en/turnout/>).

21 seats were to be won in the elections, which were divided into 6 political parties. The results are shown in the following table.

**Table 1. Results of the 2019 European Parliament election**

	<b>votes (abs.)</b>	<b>votes (in percent)</b>	<b>seats (abs.)</b>
<b>ANO</b>	502 343	21.2	6
<b>ODS</b>	344 885	14.5	4
<b>Pirates</b>	330 844	14.0	3
<b>TOP 09-STAN</b>	276 220	11.7	3
<b>SPD</b>	216 718	9.1	2
<b>KDU-ČSL</b>	171 723	7.2	2
<b>KSCM</b>	164 624	6.9	1

*Source:* Czech Statistical Office

Methodologically, this study proceeds in two steps. First, a qualitative content analysis was carried out. In addition to the flexibility that briefly characterizes this method, the advantage is also a more detailed analysis of texts and a more structured analysis of their partial meanings (Krippendorff, 2013, p. 23). Thus, the method will help decipher the content of the campaigns of political parties with regard to the so-called dual quality of food and beverages. The content analysis method also helps to better map the campaign content accents and developments (Mayring, 2019). When selecting this method, it is possible to expect distortion in the form of a smaller number of data files and, consequently, a limited number of found categories (Hsieh and Shannon, 2005; Kracauer, 1952). The method makes it possible to monitor social trends or changes in pre-selected and monitored time periods. Content analysis is a low-cost method that produces relevant results. The programs of individual Czech political parties were studied, as well as their media and other outputs related to the EP 2019 election campaigns. Specifically, these were television debates on the public television (4) and radio (5), as well as all the billboards of political parties that had won seats (44), posters, flyers and other public presentations focusing on those related to the issue of the so-called dual food quality.

In addition, structured interviews were conducted with the office members of party leaders on the lists of candidates (including the Czech Social Democratic Party, which failed to win any seats in the EP, but had its representatives there in 2014-2019), with a view to whether they considered the measures against dual food quality to be sufficient and whether they would push for their revision. Conducted by telephone in March and April 2019, the interviews were complementary to the content analysis and, together with the other outputs of the party, form an important basis for this analysis. All interviews included the following questions: What is your and your party's position on the „dual quality of food”? What specific actions are

you taking to level the playing field? What role does dual food quality play in your campaign?

At this point, we should point out the known fact that, when evaluating the interviews, there may be difficulties in generalizing the results. Data analysis and collection are often time consuming, which also proved to be the case this time. In their evaluation, the fact that the results can be easily influenced by the researcher and his/her personal preferences was also taken into account.

#### 4. Results

The so-called dual food quality is one of the European topics which, according to the research mentioned above, are the most troubling to Czech voters (see especially KPMG<sup>22</sup>). That is why the parties focused on this topic in the election campaigns. We can say that the different quality of food has become the de facto central theme of the campaigns.

The winner of the election was the ANO Movement (*Action of Dissatisfied Citizens*, a member of *Renew Europe*) of billionaire Andrej Babiš, who is the second richest Czech (Cirhan and Kopecky, 2017). His political movement won a total of 6 seats. In the campaign, they placed their bet on the main motto „Tough and Uncompromising”<sup>23</sup>. Candidates paid special attention to protectionist tendencies in agriculture, food and wine. It was remarkable for the ANO campaign, especially because Andrej Babiš, the chairman of the Movement, is the owner of a large agrarian farm and does business in agriculture. Indeed, this fact has also been criticized by opposition parties. The ANO programme for the European Parliament election stated that it promotes high standards to ensure food safety and thus, the protection of citizens' health, including justified measures to ensure market protection against dangerous, „counterfeit” and poor-quality products from third or even Union countries. According to the leader Dita Charanzová, Czech consumers must not be second category consumers. The directive adopted by the EP in April 2019 is not, in her words, a definitive end to the different quality of food and beverages. Some of its amendments were not adopted in the plenary session, which she attributes to the pressure of those who fill shelves with inferior goods. The loser in the debate was, according to her, the customer from Eastern Europe. As she said, she would continue to focus on tough and uncompromising actions against those who supply poor quality food to Eastern Europe.

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<sup>22</sup> KPMG (2020), Kvůli dvojí kvalitě potravin mění Češi svoje nákupní chování (retrieved from <https://home.kpmg/cz/cs/home/pro-media/tiskove-zpravy/2020/02/kvuli-dvoji-kvalite-potravin-meni-cesi-nakupni-chovani.html>).

<sup>23</sup> Denik.cz (2019), Tématy kampaně jsou bezpečnost, životní prostředí a sucho či dvojí kvalita potravin, 2 May (retrieved from <https://www.denik.cz/evropska-unie/hnuti-ano-zverejnilo-priority-v-europarlamentu-chce-resit-sucho-ci-dvoji-kvalit-20190502.html>).

The liberal right-wing party ODS (*Civic Democratic Party*; a member of *European Conservatives and Reformists Party*) scored second with four seats. It is rather conciliatory on dual quality. In its election campaign, the dual quality topic was not really mentioned, and only a rather general sounding motto from the campaign appeared: We are not a second-class nation<sup>24</sup>. The rules, which were approved by the EP plenary session in April 2019, are considered by the Party to be quite sufficient. It could be somewhat stricter, selling poor quality food under the same name is unacceptable, according to the leader Jan Zahradil. On the other hand, it is not possible to forbid companies to meet the wishes of customers in different countries or different geographical conditions, added Zahradil, according to whom restrictions are not appropriate in this issue. He said the EU was not a training centre for morality so it should not tell citizens „how they should live, what values we should profess and what we should eat”.

There is a relatively strong Czech Pirate Party in the Czech Republic (a member of *Greens–European Free Alliance*), which has been in the Chamber of Deputies of the Czech Republic since 2017 (see Maškarinec, 2019), also confirming its current success in politics in the EP election by obtaining three seats. According to its leader, Marcel Kolaja, the existing measures on dual quality of food are inadequate. According to Kolaj, it is not possible for citizens to play the role of detectives who have to prove dual quality. According to Pirates, the dual quality of food is on the list of prohibited commercial practices. However, the party did not actively emphasize this topic in the campaign and was rather reactive in the matter. However, it was on its programme in the chapter Europe Needs Justice. It reads that „We are not the junkyard of Europe: we deserve the same level of quality of food and consumer goods as the rest of Europe.”<sup>25</sup> The government is then criticized for pretending to address the dual quality of food but overlooking the essence of the problem.

Neither do the representatives of the STAN and TOP 09 coalition, which eventually won 3 seats, consider the adopted directive to be sufficient in the fight against dual quality (*Mayors and independents – Tradition, Responsibility, Prosperity*; a member of *European People’s Party*). In terms of food quality, the aim of the candidates, including the leader Jiří Pospíšil, is to achieve more precise and reinforced control mechanisms based on a Europe-wide database on dangerous products and food. Pospíšil also took a fairly clear stand against Prime Minister Babiš: „For the sake of appearance, Andrej Babiš is fighting for quality food for Czech customers but he, in fact, has significantly contributed to the status quo that the European Union has not completely banned this unfair commercial practice. It

<sup>24</sup> Denik.cz (2019), Strana rozjždějí kampaň do eurovoleb, 25 April (retrieved from <https://www.denik.cz/evropska-unie/strany-rozjizdeji-kampan-do-eurovoleb-20190425.html>).

<sup>25</sup> Pirati.cz (2019), Vláda předstírá řešení dvojí kvality potravin, podstatu problému ale přehlíží, 20 May (retrieved from <https://www.pirati.cz/tiskove-zpravy/vlada-neresi-dvoji-kvalitu-potravin.html>).

would be sad if these hypocritical election slogans and decoys for voters overtrumped reality and facts,” said Pospíšil<sup>26</sup>. According to him, the Czech government failed to stand up for the interests of Czech citizens in March 2019 in the Committee of Permanent Representatives (COREPER), when its representative voted for a half solution that did not completely prohibit the dual quality of food and was finally adopted by the European Parliament a month later. In his view, dual quality is unacceptable and, moreover, violates European law, but it is especially the insufficient enforcement thereof that he considers a real problem. The Coalition will therefore demand its refinement and consistent enforcement. However, while the campaign did not actively address this topic, the candidates commented on it in the public space, in debates and on the Internet.

The right-wing populist SPD also has 2 seats in the European Parliament (*Freedom and Direct Democracy*; a member of *Identity and Democracy*). This Eurosceptic party focused most intensively on the so-called dual quality of food during the campaign. „Every country must have the right to set food standards and control the quality. That is the essential solution. Dual food quality is a fraud. As a swift solution, the ban must be enforced without delay in the EU and then pass the control and standard setting to the nation states. According to the party, junk is imported into the Czech Republic, while the west enjoys better quality foods. According to party leader Ivan David, it turns out that the European Union and Western countries such as Germany view the Czech Republic only as a second-category country. „Following the decision of the European Union, the dual food quality and the import of junk from the EU for us, the inferior people of the East as viewed by Brussels, go on, even if the EU is trying to fraudulently present that it does not.” The SPD Movement says that food control and quality adjustment should be a national competence and even calls for the restoration of national food standards<sup>27</sup>. The party was very aggressive on this issue, attacking the EU in general. This party is known to strive for seeing the country leave the EU.

KDU-ČSL also won two seats in the election (*Christian and Democratic Union – Czechoslovak People's Party*; a member of *the European People's Party*). Leader Pavel Svoboda said that its representatives in the European Parliament and former 2012-2017 Minister Marian Jurečka have been fighting this phenomenon intensively for years. In the current programme, the party has called for a definitive end to the practice of dual quality foods and goods in the EU as one of the important points of

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<sup>26</sup> TOP 09 (2019), Pospíšil: Výroky premiéra Babiše o dvojí kvalitě potravin jsou mimo realitu, národní státy problém nevyřeší, 2 May (retrieved from <https://www.top09.cz/co-delame/tiskove-zpravy/pospisl-vyroky-premiera-babise-o-dvoji-kvalite-potravin-jsou-mimo-realitu-narodni-staty-problem-nevyresi-25826.html>).

<sup>27</sup> SPD (2019), Tomio Okamura: Díky EU se k nám místo potravin vozí často „biologický odpad” – požadujeme obnovení státních norem na potraviny (retrieved from <https://www.spd.cz/novinky/7577-tomio-okamura-diky-eu-se-k-nam-misto-potravin-vozi-casto-biologicky-odpad-pozadujeme-obnoveni-statnich-norem-na-potraviny>).

interest of Czech consumers. In an interview, Svoboda also noted that the problem of dual food quality is not just a European problem and that the Czech Republic has a prime minister who supplies us with poor quality meat products. “And that is also part of the dual food quality issue. It cannot only be viewed as something the EU has neglected or missed. So, we're trying to do something about it”<sup>28</sup>.

According to KSČM (Communist Party of Bohemia and Moravia; a member of *European United Left–Nordic Green Left*), which is a radical left-wing party, the current measures against the so-called dual food quality are absolutely inadequate. Communists want to classify dual quality among unfair commercial practices; therefore, they consider further revision of the directive a necessity. Moreover, according to the party's leader, Kateřina Konečná, the minimum requirement for labelling different compositions was omitted from the text of the directive. In her words, it was only mentioned? after the final trilogue (negotiations of representatives of the three main EU institutions), i.e. in a kind of non-transparent and behind-the-scenes stage. At the same time, the party pointed out that the factions of which they were members were the most unanimous in the vote.

On the other hand, the ČSSD (*Czech Social Democratic Party*), which is currently represented as a smaller political partner in the government, was not successful in the European Parliament election campaign, failing to win any seat, thereby losing its four seats. Indeed, its campaign was clearly focused on the so-called dual quality of food. However, its election leader Pavel Poc was a weak candidate, overestimating the topic in terms of content, which, together with the fact that the ČSSD is not generally strong in second-order elections, and that the campaign had a rather poor timing, resulted in its election fiasco. The party presented the election as a „game of a fair Europe”, insisting that the „same rules should apply to everyone”, which was clearly associated with different quality of foods and beverages in billboards and spots. It was interesting to note that it was Poc as an MEP who, together with her colleague Olga Sehnalová, raised the issue of dual quality, repeatedly mentioning it on the EP plenary sessions, and had several tests, paid from the party's funds, to compare the different quality of foods and beverages<sup>29</sup>.

The analysis shows that the so-called dual quality of food appeared as the main topic in 3 parties' campaigns, both in the winner's - ANO Movement and in SPD's and KSČM's. All three parties built their campaign on this topic. All three can be described as populist parties. ANO is considered by political theory as an example

<sup>28</sup> Denik.cz (2019), Dvoji kvalita potravin se týká i Babišova (ne)masa, říká volební lídr lidovců. Bližší mu je Halík než Duka, 21 May (retrieved from <https://denikn.cz/129495/dvoji-kvalita-potravin-se-tyka-i-babisova-nemasa-rika-volebni-lidr-lidovcu-blizsi-mu-je-halik-nez-duka/>).

<sup>29</sup> Aktualne.cz (2019), Šízené potraviny z trhu dostaneme. Dvoji kvalitu by mohla unie trestat, říká Poc, January (retrieved from <https://zpravy.aktualne.cz/ekonomika/promeny-ceskeho-zemedelstvi/je-kvalita-potravin-v-cr-dostatecna-ptejte-se-europoslanec-p/r~caf839b81d5111e98d3d0cc47ab5f122/>).

of technocratic populism (Havlík, 2019), the SPD is a typical party of right-wing populism with ties to leading populist and especially Eurocritical parties, and the Communists are a left-wing populist party considered to be the last posthumous „offspring” of the communist power in the former Communist bloc. In the so-called democratic parties of the political centre, the topic of different quality of foods and beverages was much less frequently emphasized. Only one party, the ODS, did not consider this topic relevant at all and rather emphasized that, in general, EU standards should not harm consumers in the Czech Republic and their preferences. In other words, it opposed the unification of EU law on this issue. Otherwise, however, it was obvious that, especially due to certain social demands, which were mainly fuelled by populist parties, each of the parties had to comment on the issue of the so-called dual quality. Most often, these were critical views stating that current EU standards are inadequate and that these differences in food quality need to be eliminated.

## 5. Discussion

It is certainly commendable that the EU institutions, in particular the European Commission and the European Parliament, are addressing the quality of dual foods and have adopted new rules that are more transparent when shopping and avoid dual quality products. If what the EU itself uses as a 'new consumer policy' is to work, then it is clear that, especially for Central and Eastern European countries, the issue of differing food quality is a crucial problem. This is a relatively complex topic, which is also shown by the legislation final form. This is a compromise for all stakeholders, not only MEPs, but also the European Commission, the Member States and, of course, the producers who lobby for their interests. The final version of the directives introduces more lenient rules than those of the Visegrad countries. What is positive is that if products in the same packaging are now 'significantly different' in their composition, there must therefore be a legitimate reason and consumers must be informed. The control authorities in each country will decide on the method of this information. However, double quality is not yet one of the unfair business practices.

The so-called dual quality of food has played an important role in the campaigns of Czech political parties during the European Parliament elections. Representatives of all parties that had won seats expressed their views, the topic resonated in television and radio discussions. The topic was particularly accented by populist parties - the winner - ANO Movement, but also the right-wing (SPD) and left-wing (KSČM) populists. These parties claimed that the EU and its regulations, including the internal market, were not functioning properly. The approach of these parties is aptly described by the central motto of the campaign of the Czech EP elections winner, ANO Movement, which read „Tough and Uncompromising”. It was this movement, in particular, which promoted the importance of different food

quality by references to research and the chairman of the movement and Czech Prime Minister Babiš underlined the importance of the topic in a video comparing the tastes of Czech and German food and beverages. On the other hand, it was Babiš who, thanks to his own activities in agribusiness, became the target of criticism of other parties when referring to the quality of food in his own companies.

Thus, for the Czech parties, it is indisputable that the dual quality of foods and beverages exists, that it is a major political problem in the EU common market and that it needs to be tackled with. This is also the case with representatives of political parties from other Visegrád countries where the issue was one of the key topics of the 2019 European Parliament elections. It can therefore be expected that it will be the group of these 4 countries that will continue to lobby the EU institutions for more stringent standards over the coming months and years to eliminate the different compositions of foods and beverages on the EU market. In doing so, they will refer to both research and international comparisons as well as to their citizens' attitudes. At present, it is difficult to estimate the result.

## Conclusions

Is it legal to market a product with the same or similar packaging but different ingredients? Under the EU law and Single Market principles, traders are free to differentiate their products for different markets (Bartková, 2019; Ministry of Industry, 2019). 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 with respect to product composition may, following a case-by-case assessment by the competent authorities, be considered an unfair commercial practice prohibited by the EU law.

To date, the European Union has provided over € 4.5 million to address this problem, in particular for research into product testing across the EU by using the same methodology to raise awareness of the dual quality of goods<sup>30</sup>. National research institutions in individual Member States can also participate in the research. A further € 1.26 was provided only in 2019 to strengthen consumer organizations' capacities to test products and identify potentially deceptive practices. Furthermore, the Commission has issued a set of guidelines to help national authorities implement EU food and consumer protection legislation.

The findings of this analysis show that the different composition of products in the same packaging across individual EU countries is one of the most important European topics for the Czechs. However, it is also necessary to keep in mind that

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<sup>30</sup> Radio.cz (2019), Ministry wants to fine food producers up to CZK 50 million for dual standards, 29 April (retrieved from <https://www.radio.cz/en/section/news/ministry-wants-to-fine-food-producers-up-to-czk-50-million-for-dual-standards>).



the concept of „quality” is often subjective, so amending legislation may not be a straightforward solution<sup>31</sup>. Although the EU legislation focuses mainly on food and its safety, in many specific cases, it also regulates quality and composition. It is worth noting that the Czech government has repeatedly expressed its dissatisfaction with the adopted regulation and has committed itself to introducing its own, stricter rules. In the forthcoming amendment to the Food Act, the Ministry of Agriculture is going to ban dual quality products. Violations of the law are subject to fines of up to CZK 50 million. This gives us yet another reason to conclude that this topic will continue to have a significant effect on Czech politics and that Czech politicians will continue to respond very sensitively to it. It should be added, however, that some recent research<sup>32</sup> shows that the so-called dual quality of food may not, in fact, be as fundamental a problem for EU consumer policy<sup>33</sup> as Visegrad politicians have presented so far. However, even though it turns out that the difference between West and East in food quality is not as clear as described by Visegrad politicians, it will still have to remain on the EU's agenda to study and address qualitative differences in food.

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<sup>31</sup> Outcome of the Summit for Equal Quality of Products for All (2017), 13 October, Bratislava (retrieved from <https://data.consilium.europa.eu/doc/document/ST-13474-2017-INIT/en/pdf>).

<sup>32</sup> Euractiv (2021), New report reiterates there is no East-West divide in food quality, 24 March (retrieved from <https://www.euractiv.com/section/agriculture-food/news/new-report-reiterates-there-is-no-east-west-divide-in-food-quality/>).

<sup>33</sup> Directive (EU) 2019/2161 of the European Parliament and of the Council of 27 November 2019 amending Council Directive 93/13/EEC and Directives 98/6/EC, 2005/29/EC and 2011/83/EU of the European Parliament and of the Council as regards the better enforcement and modernisation of Union consumer protection rules, OJ L 328, 18.12.2019.

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