

EN

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Answer given by Mr McGrath
on behalf of the European Commission
(16.9.2025)

The Modernisation Directive¹ that entered into application in May 2022 modified the Unfair Commercial Practices Directive (UCPD)² and introduced a provision explicitly prohibiting the marketing of goods as being identical while they significantly differ with regards to their composition and characteristics (also known as ‘dual quality’). The UCPD enforcement’s responsibility is primarily for the competent authorities of the Member States. The Commission monitors and supports their work to correctly apply consumer law under the Consumer Protection Cooperation (CPC) Regulation.³ In this context, the Commission, together with the Romanian consumer protection authority (ANPC), organised a workshop in April 2023 to exchange best practices on detecting potential ‘dual quality’ cases. The Commission also supports the development of enforcement capacities, including testing capacities, under the Single Market Programme. To date, the national authorities have not deemed it necessary to initiate a coordinated investigation⁴ into potential ‘dual quality’ practices.

The Commission has assessed the existing legal framework on ‘dual quality’, including whether more stringent requirements should be in place. In June 2024, it published a Report on the implementation of the Modernisation Directive.⁵ The assessment showed that there has been progress over the past years, all Member States have transposed the new rule and industry practices are improving. The Report also acknowledged that concerns persist in some Member States. The Commission will continue to assist Member States’ efforts to address ‘dual quality’ cases of concern and promote effective implementation and enforcement of the relevant legislation.

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32019L2161>.

² <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32005L0029>.

³ <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32017R2394>.

⁴ The CPC Regulation lays down the cooperation framework (i.e. the CPC Network) to allow national authorities from Member States to jointly address cross border breaches of consumer rules.

⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52024DC0258R%2801%29&qid=1726811961274>.