

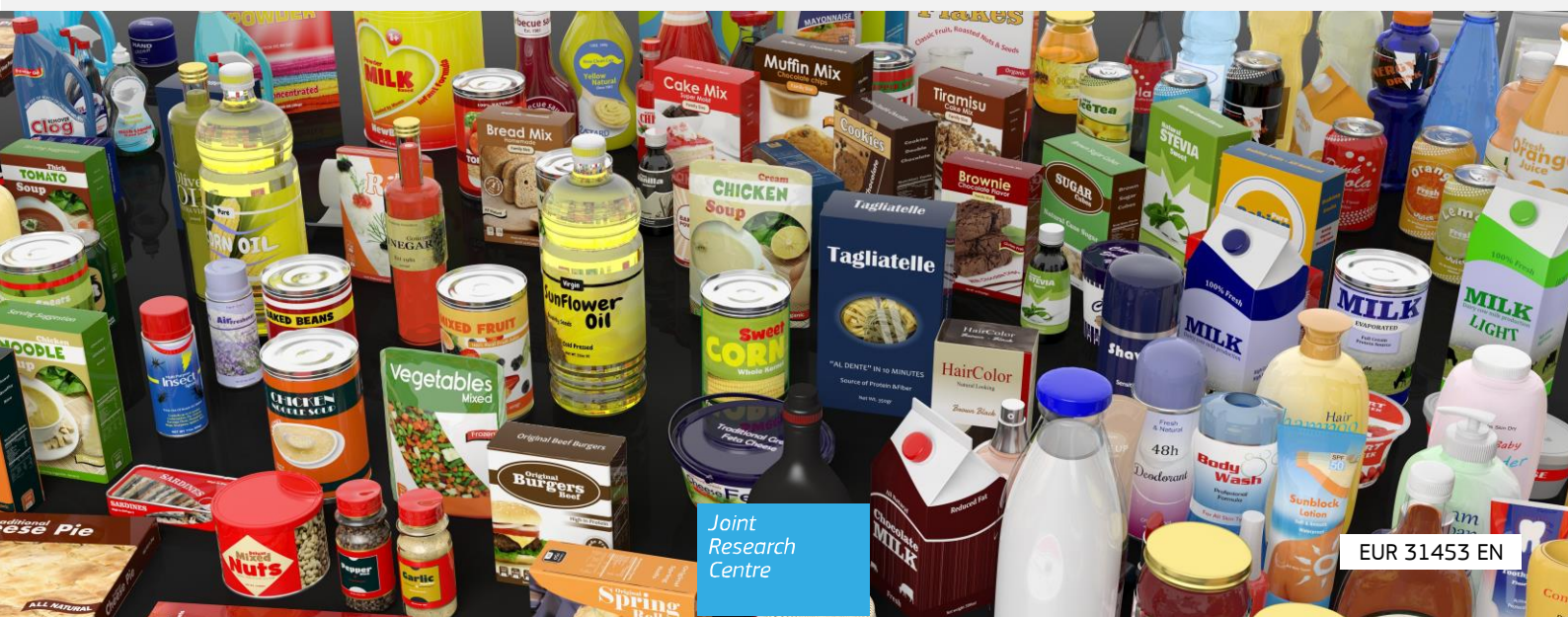


EU-wide comparison of the characteristics and presentation of branded food products (2021)

Annex 2 – Company surveys

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Survey 1: Survey on differences in composition of seemingly identical branded food products (DC-SIP) in the European single market – for companies with DC-SIP

The Joint Research Centre (JRC) of the European Commission provides scientific expertise in support of EU policy needs.

Through this interview we aim to collect information to understand brand owners' approaches to food products that are branded (marketed) as seemingly identical though they differ in composition (DC-SIP) (also known as the 'dual quality' issue). EU consumer law, in particular the Unfair Commercial Practices Directive (UCPD), was amended in 2019 specifying that competent authorities need to assess, on a case-by-case basis, whether DC-SIP practices are misleading, taking into account the impact of the practice on consumers' transactional (purchase) decisions.

The amended UCPD needs to be transposed by Member States into national law by 28 November 2021 and it should be applied from 28 May 2022.

The [results of the first JRC 2018/2019 EU-wide testing campaign](#) indicated that around 31 % of products feature differences in composition across Member States, although their front-of-pack appearance is either similar (22 %) or identical (9 %).

Moreover, the JRC is currently undertaking a similar analysis to generate new evidence on the issue. Therefore, this questionnaire aims to reach companies for which some differences have been found either in the JRC 2018/2019 EU-wide testing campaign or the current analysis the JRC is undertaking.

The deadline for completion is 30 April 2022.

Please note that the questionnaire is short and should take around 10 minutes.

Company names and the answers they provide are strictly confidential. The analysis based on the results from the questionnaire will be completely anonymous, not disclosing any personal or company/brand names.

Should you have any enquiries, please do not hesitate to contact the JRC at JRC-D4-DFQ@ec.europa.eu.

1 Introduction: brief description of the company

1 Please specify which brand(s) your company markets. *Please leave blank if you prefer not to respond*

2 Could you please select the main category/categories that better describe the product(s) of your company?

- Dairy products and analogues
- Fats and oils and fat and oil emulsions
- Edible ices
- Fruit and vegetables (e.g. jam, canned, peeled)
- Confectionery
- Cereals and cereal products (e.g. pasta, breakfast cereals)
- Bakery wares (e.g. bread and rolls)
- Meat (e.g. fresh meat, meat preparations, cured meat)
- Fish and fisheries products (e.g. unprocessed fish and fisheries, processed fish and fisheries)
- Eggs and egg products (e.g. unprocessed and processed eggs)
- Sugars, syrups, honey and table-top sweeteners
- Salts, spices, soups, sauces, salads and protein products
- Foods intended for particular nutritional uses as defined by Directive 2009/39/EC (e.g. food for infants)
- Non-alcoholic beverages (e.g. water, fruit juice, coffee, tea)

- Alcoholic beverages (e.g. beer, wine)
- Ready-to-eat savouries and snacks
- Other (please specify)

3 Other (please specify) (if 'Other' in 2)

4 Please specify the country/countries in which your company sells its product(s)

Please select at least one

- All EU-27 countries
- Outside the EU-27
- One or more EU-27 countries (if not in all Member States)

5 Please select the relevant country/countries (if 'One or more EU-27 countries' in 4)

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czechia
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovakia
- Slovenia
- Spain
- Sweden

6 What is your role in the company you are representing? Please leave blank if you prefer not to respond; 100 character(s) maximum

2 Awareness of and reasons for DC-SIP

7 Are you aware of the DC-SIP (also known as the 'dual food quality') issue?

Dual food quality – when a food product is marketed in one country as identical to products marketed in other countries (labelling, appearance on front of pack) while that product has a significantly different composition

- No, I am not aware
- Yes, I am aware

8 When did your company become aware of this issue? (if 'Yes, I am aware' in 7)

- More than 5 years ago
- Around 5 years ago (e.g. when the DC-SIP issue was publicly disclosed)
- Around 3 years ago (e.g. when the directive on the UCPD was approved)
- Less than 3 years ago
- Other (please specify)

9 Other (please specify) (if 'Other' in 8)

10 Either the [JRC 2018/2019 EU-wide testing campaign](#) or the current (ongoing) JRC study* found differences in the composition of your branded food product(s) in some Member States. Could you please select the reason(s) why your company offered seemingly identical versions of food products with different compositions in different Member States? *Please select all relevant answers *If you have not received the results yet, please contact the JRC at JRC-D4-DFQ@ec.europa.eu*

- Differences in consumer preferences across Member States supported by studies/evidence
- Production factors (e.g. availability/seasonality of raw materials in different Member States, differences in the costs of sourcing ingredients between markets, technological factors)
- Differences in national regulations as to the product composition in different Member States (e.g. food standards, labels, definitions)
- Differences in voluntary industry code of practice and standards for food products across Member States
- Other (please specify)

11 Other (please specify) (if 'Other' in 10)

3 Responses to DC-SIP

12 Has your company taken or does your company plan to take any action(s) on offering seemingly identical versions of food products with different compositions in different Member States?

- Yes
- No

13 What action(s) did your company pursue/does your company plan to pursue? (if 'Yes' in 12)

- Harmonising the recipes, thus ending the differences between the versions
- Changing the presentation of the different versions so that they are clearly distinguishable by consumers
- Other (please specify)

14 Others (please specify) (if 'Other' in 13)

15 When will/did the action(s) take place? (if 'Yes' in 12)

- More than 5 years ago
- Around 5 years ago (e.g. when the DC-SIP issue was publicly disclosed)
- Around 3 years ago (e.g. when the directive on the UCPD was approved)
- Less than 3 years ago
- Within the next year
- In more than 1 year
- Other (please specify)

16 Other (please specify) (if 'Other' in 15)

17 Please specify the reason(s) for the action(s) your company pursued/will pursue (if 'Yes' in 12) *Please select all relevant answers*

- Change in the business strategy
- Strengthened EU consumer protection legislation in this area
- Intervention by the public authorities of the Member States concerned
- Negative publicity (e.g. by consumer organisation)
- Other (please specify)

18 Other (please specify) (if 'Other' in 17)

19 Why did your company not take/does your company not plan to take any action? (if 'No' in 12) *Please select all relevant answers*

- Version differences were justified owing to differing national regulations as well as product compositions between Member States (e.g. food standards, labels, definitions)
- Version differences were justified owing to production factors (e.g. availability/seasonality of raw materials in different Member States, differences in the costs of sourcing of ingredients between markets, technological factors)
- Version differences were justified owing to different consumer preferences across Member States supported by studies/evidence

- Version differences were justified owing to differences in voluntary industry code of practice and standards for food products across Member States
- No specific reason
- Other (please specify)

20 Other (please specify) (if 'Other' in 19)

21 Does your company plan to inform consumers about the version differences in food products marketed in different Member States? *Please select all relevant answers*

- Yes, the differences will be highlighted in product-related advertising
- Yes, the differences will be explained through product-related websites and similar online tools
- Yes, by other means (please specify)
- No (please explain)

22 Yes, by other means (please specify) (if 'Yes' in 21)

23 No (please explain) (if 'No' in 21)

24 What action(s) would your company take if seemingly identical versions of your branded food products marketed in different Member States were found to be different and ruled to be misleading by the relevant public authorities? *Please select the preferred choices*

- Harmonising the recipes, thus ending the differences between the versions
- Changing the presentation of the different versions so that they are clearly distinguishable to consumers
- No action (pay the fine)
- Other (please specify)

25 Other (please specify) (if 'Other' in 24)

4 The economic impact of DC-SIP

26 What would be/was the economic impact for your company of harmonising the composition of product versions?

	↓ more than 20 %	↓ 10.1 % to 20 %	↓ 5 % to 10 %	↓ less than 5 %	No change (0 %)	↑ less than 5 %	↑ 5 % to 10 %	↑ 10.1 % to 20 %	↑ more than 20 %	Don't know/not applicable
Production costs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Consumer price	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Profit margin	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Marketing costs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Brand image /reputation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other (please specify)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

27 Other (please specify) (if 'Other' in 26)

28 What would be/was the economic impact for your company of differentiating the product versions through different packaging?

	↓ more than 20 %	↓ 10.1 % to 20 %	↓ 5 % to 10 %	↓ less than 5 %	No change (0 %)	↑ less than 5 %	↑ 5 % to 10 %	↑ 10.1 % to 20 %	↑ more than 20 %	Don't know/not applicable
Production costs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Consumer price	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Profit margin	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Marketing costs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Brand image /reputation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other (please specify)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

29 Other (please specify) (if 'Other' in 28)

30 Did your company market other seemingly identical food products with significantly different composition or characteristics in different Member States in the last 5 years (other than those found to be different in the [JRC 2018/2019 EU-wide testing campaign](#) or the current (ongoing) JRC analysis*)? **If you have not received the results yet, please contact the JRC at JRC-D4-DFQ@ec.europa.eu*

- Yes
- No

5 Share your opinion

Please feel free to share your opinion on the [Unfair Commercial Practices Directive \(UCPD\)](#). *Please leave blank if you prefer not to share your opinion*

Please feel free to share your opinion regarding food products that are branded (marketed) as seemingly identical although there are differences in composition (DC-SIP). *Please leave blank if you prefer not to share your opinion*

33 Would you be available for a follow-up face-to-face online interview to discuss the information you provided in more detail?

- Yes
- No

Thank you for your participation! We really appreciate your valuable contribution.

Survey 2: Survey on differences in composition of seemingly identical branded food products (DC-SIP) in the European single market – for companies without DC-SIP

The Joint Research Centre (JRC) of the European Commission provides scientific expertise in support of EU policy needs.

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Please note that the questionnaire is short and should take around 10 minutes.

Company names and the answers they provide are strictly confidential. The analysis based on the results from the questionnaire will be completely anonymous, not disclosing any personal or company/brand names.

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- Fats and oils and fat and oil emulsions
- Edible ices
- Fruit and vegetables (e.g. jam, canned, peeled)
- Confectionery
- Cereals and cereal products (e.g. pasta, breakfast cereals)
- Bakery wares (e.g. bread and rolls)
- Meat (e.g. fresh meat, meat preparations, cured meat)
- Fish and fisheries products (e.g. unprocessed fish and fisheries, processed fish and fisheries)
- Eggs and egg products (e.g. unprocessed and processed eggs)
- Sugars, syrups, honey and table-top sweeteners
- Salts, spices, soups, sauces, salads and protein products
- Foods intended for particular nutritional uses as defined by Directive 2009/39/EC (e.g. food for infants)
- Non-alcoholic beverages (e.g. water, fruit juice, coffee, tea)

- Alcoholic beverages (e.g. beer, wine)
- Ready-to-eat savouries and snacks
- Other (please specify)

3 Other, please specify (if 'Other' in 2)

4 Please specify the country/countries in which your company sells its product(s) *Please select at least one*

- All EU-27 countries
- Outside the EU-27
- One or more EU-27 countries (if not in all Member States)

5 Please select the relevant country/countries (if 'One or more EU-27 countries' in 4)

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czechia
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovakia
- Slovenia
- Spain
- Sweden

6 What is your role in the company you are representing? Please leave blank if you prefer not to respond; 100 character(s) maximum

2 Awareness of and reasons for DC-SIP

7 Are you aware of the DC-SIP (also known as the 'dual food quality') issue?

Dual food quality – when a food product is marketed in one country as identical to products marketed in other countries (labelling, appearance on front of pack) while that product has a significantly different composition

- No, I am not aware
- Yes, I am aware

8 When did your company become aware of this issue? (if 'Yes, I am aware' in 7)

- More than 5 years ago
- Around 5 years ago (e.g. when the DC-SIP issue was publicly disclosed)
- Around 3 years ago (e.g. when the directive on the UCPD was approved)
- Less than 3 years ago
- Other (please specify)

9 Other (please specify) (if 'Other' in 8)

10 Did your company offer different versions of identically or similarly branded food products in different Member States in the last 5 years?

- Yes
- No

11 Could you please select the reason(s) why your company offered seemingly identical versions of food products with different compositions in different Member States? (If 'Yes' in 10)

- Differences in consumer preferences across Member States supported by studies/evidence
- Production factors (e.g. availability/seasonality of raw materials in different Member States, differences in the costs of sourcing ingredients between markets, technological factors)
- Differences in national regulations as to the product composition in different Member States (e.g. food standards, labels, definitions)
- Differences in voluntary industry code of practice and standards for food products across Member States
- Other (please specify)

12 Other (please specify) (if 'Other' in 11)

3 Responses to DC-SIP (NB: this section was only displayed when the company declared it offers DC-SIP products other than those included in the testing campaign)

13 Has your company taken or does your company plan to take any action(s) on offering seemingly identical versions of food products with different compositions in different Member States? (If 'Yes' in 10)

- Yes
- No

14 What action(s) did your company pursue/does your company pursue? (if 'Yes' in 13)

- Harmonising the recipes, thus ending the differences between the versions
- Changing the presentation of the different versions so that they are clearly distinguishable by consumers
- Other (please specify)

15 Other (please specify) (if 'Other' in 14)

16 When will/did the action(s) take place? (if 'Yes' in 13)

- More than 5 years ago
- Around 5 years ago (e.g. when the DC-SIP issue was publicly disclosed)
- Around 3 years ago (e.g. when the directive on the UCPD was approved)
- Less than 3 years ago
- Within the next year
- In more than 1 year
- Other (please specify)

17 Other (please specify) (if 'Other' in 16)

18 Please specify the reason(s) for the action(s) your company pursued/will pursue (if 'Yes' in 13) Please select all relevant answers

- Change in the business strategy
- Strengthened EU consumer protection legislation in this area
- Intervention by the public authorities of the Member States concerned
- Negative publicity (e.g. by consumer organisation)
- Other (please specify)

19 Other, please specify (if 'Other' in 18)

20 Why did your company not take/does your company not plan to take any action? (if 'No' in 13) *Please select all relevant answers*

- Version differences were justified owing to differing national regulations as well as product compositions between Member States (e.g. food standards, labels, definitions)
- Version differences were justified owing to production factors (e.g. availability/seasonality of raw materials in different Member States, differences in the costs of sourcing of ingredients between markets, technological factors)
- Version differences were justified owing to different consumer preferences across Member States supported by studies/evidence
- Version differences were justified owing to differences in voluntary industry code of practice and standards for food products across Member States
- No specific reason
- Other (please specify)

21 Other (please explain) (if 'Other' in 20)

22 Does your company plan to inform consumers about the version differences in food products marketed in different Member States? *Please select all relevant answers*

- Yes, the differences will be highlighted in product-related advertising
- Yes, the differences will be explained through product-related websites and similar online tools
- Yes, by other means (please specify)
- No (please explain)

23 Yes, by other means (please specify) (if 'Yes' in 22)

24 No (please explain) (if 'No' in 22)

25 What action would your company take if seemingly identical versions of your branded food products marketed in different Member States were found to be different and ruled to be misleading by the relevant public authorities? *Please select the preferred choices*

(NB: If 'No' in 10, respondent would be taken here directly)

- Harmonising the recipes, thus ending the differences between the versions
- Changing the presentation of the different versions so that they are clearly distinguishable to consumers
- No action (pay the fine)
- Other (please specify)

26 Others (please specify) (if 'Other' in 25)

4 The economic impact of DC-SIP

27 What would be/was the economic impact for your company of harmonising the composition of product versions?

	↓ more than 20 %	↓ 10.1 % to 20 %	↓ 5 % to 10 %	↓ less than 5 %	No change (0 %)	↑ less than 5 %	↑ 5 % to 10 %	↑ 10.1 % to 20 %	↑ more than 20 %	Don't know/not applicable
Production costs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Consumer price	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Profit margin	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Marketing costs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Brand image /reputation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other (please specify)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

28 Other (please specify) (if 'Other' in 27)

29 What would be/was the economic impact for your company of differentiating the product versions through different packaging?

	↓ more than 20 %	↓ 10.1 % to 20 %	↓ 5 % to 10 %	↓ less than 5 %	No change (0 %)	↑ less than 5 %	↑ 5 % to 10 %	↑ 10.1 % to 20 %	↑ more than 20 %	Don't know/not applicable
Production costs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Consumer price	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Profit margin	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Marketing costs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Brand image /reputation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other (please specify)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

30 Other (please specify) (if 'Other' in 29)

5 Share your opinion

31 Please feel free to share your opinion on the [Unfair Commercial Practices Directive \(UCPD\)](#)
Leave blank if you prefer not to share your opinion

32 Please feel free to share your opinion regarding food products that are branded (marketed) as seemingly identical although there are differences in composition (DC-SIP)
Leave it blank if you prefer not to share your opinion

33 Would you be available for a follow-up face-to-face online interview to discuss the information you provided in more detail?

- . Yes
- . No

Thank you for your participation! We really appreciate your valuable contribution.

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- via the following form: european-union.europa.eu/contact-eu/write-us_en.

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Information about the European Union in all the official languages of the EU is available on the Europa website (european-union.europa.eu).

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