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Europeanization from the periphery: the case of 'second-class' food in Central and Eastern Europe

Francesco Duina [©] and Xiaoqing Zhou^b

ABSTRACT

Europeanization is often defined as the process by which European Union (EU) laws, policies and practices shape the member states. Scholars have examined the key drivers of Europeanization. In bottom-up accounts, they point to the member states themselves as important. Attention has traditionally gone to the older or more powerful member states. Yet, recent works, mostly focused on foreign policy, propose that peripheral or weaker countries may also play leading roles. This paper contributes to this perspective by examining a recent and highly publicized case around food quality standards. Starting in 2009, a group of Central and Eastern European countries (CEECs) began suspecting Western transnational corporations of exploiting a loophole in EU law to sell lower quality food in their domestic markets. The European Commission dismissed those concerns and requests for intervention. The CEECs responded by demanding more EU regulation and related enforcement measures. Their strategy was multifaceted. It involved framing the issue as a moral matter of West versus East discrimination, coordinating their actions, and leveraging the EU institutional environment. The Commission eventually acknowledged the problem, invested resources, and produced more regulation and enforcement mechanisms. The conclusion reflects on the implications for Europeanization, the periphery and power in the EU.

KEYWORDS

Europeanization; periphery; Central and Eastern Europe; food

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INTRODUCTION

The term 'Europeanization' refers to multiple concepts (Olsen, 2002; Radaelli, 2003, 2004; Vink & Graziano, 2008). On the whole, however, most scholars see Europeanization 'as a process whereby the "EU" (independent variable) affects EU member states' domestic spheres (dependent variables)' via its laws, policies and practices (Orbie & Carbone, 2016, p. 3; see also Börzel & Risse, 2007, p. 485; Menz, 2011; Radaelli, 2012, pp. 1–2; Schimmelfennig & Sedelmeier, 2005). Specifically, Europeanization points to the resulting changes and at least some convergence – depending on a host of factors – in the polity, policy and politics of the member states (Ladrech, 2010). The strategies, programmes and even identities of actors outside the state are also impacted (e.g., Goetz & Meyer Sahling, 2008).

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Considerable attention has gone to increases in Europeanization over time. What factors can explain the expansion of EU laws, policies and practices that affect the member states? EU-level institutions and mechanisms of course matter a great deal. The EU supranational organs – the European Commission (the executive branch of the EU that also holds exclusive power to initiate legislation), the European Parliament (EP) (with voting powers over EU legislation), and the European Court of Justice (ECJ) (with adjudication powers over disputes involving EU law) – all play a central role (Harcourt, 2002; Panke, 2007). Institutional dynamics, such as 'spillovers' from one policy area to another, or the unintended consequences of certain initiatives, are also seen as important drivers of that expansion (Greer, 2006; Sandholtz & Sweet, 2012).

Yet, scholars have argued that more 'bottom-up' forces matter as well (Menz, 2011; Radaelli, 2004). Here, attention has gone to the role of the member states themselves. They can exert pressure – whether in response to demands from domestic interest groups, political parties and business, or because of other factors – for 'more' Europe. Importantly, attention on this front has historically gone to the more powerful and older – thus Western European – member states that are able, on their own or in coalitions, to 'upload' their preferences and push for EU outputs that serve their interests. The literature is extensive and covers many policy areas. Examples include studies of the EU's migration and asylum policies (Menz, 2011), banking rescue plans (Quaglia, 2009), budgetary support programmes (Koch & Molenaers, 2015), health policy (Connolly, 2008), and foreign policy (Wong & Hill, 2011).

By contrast, peripheral countries, especially the relative newcomers from Central and Eastern Europe, have mostly been depicted as subject to, and not drivers of, Europeanization. As discussed in the next section, the primary question has been the extent of their transformations and, in that context, the role of mediating variables in determining exactly the nature of that impact. Recent works, however, argue that this may not be the whole picture. They suggest that Central and Eastern European countries (CEECs) can and do participate, even if often in limited fashion, in the bottom-up dimension of Europeanization. The analyses, however, have been mostly limited to foreign policy.

This paper contributes to this emerging scholarship by turning to the recent and highly publicized case of dual food quality standards. The case, which stretched over ten years, offers an instructive instance where a group of CEECs – mostly the Visegrád countries (the Czech Republic, Hungary, Poland and Slovakia) but also other member states such as Croatia, Bulgaria and Romania – mobilized around a significant single market issue and successfully lobbied the Commission for the expansion of the EU's regulatory and compliance reach – to the detriment, importantly, of transnational corporations (TNCs) from the West (primarily the older and richer member states, but also the United States). Considering the issues at stake, the actors involved and their novel approach, and the outcome, this can be taken as an 'intrinsically important' (Odell, 2003) case, with sufficient data for a robust analysis of events (Rueschemeyer, 2003).

Events began in 2009 when government officials and politicians from the CEECs began to suspect – based on consumer associations' reports and government tests and inspections – that TNCs were exploiting a loophole in EU law to sell lower quality foods in their domestic markets. They turned to the Commission, given its responsibility for monitoring the implementation of EU law and power to propose new laws, for support. The Commission responded by dismissing their claims and requests for intervention. The CEECs countered with more pointed demands for additional EU regulation and enforcement measures. To do so, they embarked on a multifaceted strategy. This involved framing the issue as a moral matter of West versus East discrimination whereby their citizens were being treated as 'second-class', coordinating their actions, and leveraging the EU institutional environment and in particular the EP to maximize pressure on the Commission. The Commission eventually recognized the problem, invested resources, and produced more regulation and supporting enforcement mechanisms.

Thus, though historically not major contributors to Europeanization, the CEECs managed to pressure the Commission to intensify its regulatory output on issues of significance to them. Put differently, peripheral countries pushed the institutional core of the EU, which in turn generated policies affecting actors from more powerful member states. As such, the case speaks to recent calls, some in this journal, that more attention be given to questions of hierarchies and space in relation to EU institutions and processes.

Jessop (2016), for instance, has recently stressed that multilevel governance theory (Marks, 1993) – the primary and for many most convincing framework for understanding the EU – has from the start made territory a key analytical concept. He argues, however, that more needs to be said within that framework about flows, boundaries and networks of states and other actors. Avdikos and Chardas (2016), in turn, when analysing the EU's Cohesion Policy 2014–20, urge scholars to take more seriously questions of place and the exacerbation of inequalities in the European space. And Mueller and Hechter (2019) reinterpret the evolution of the EU by considering the role of territorially nested groups in the member states. For these scholars, thinking in terms of flows, hierarchies, networks and geography can help understand the EU and provide correctives to established academic paradigms. The periphery–core dynamics discussed in this paper invite precisely a re-evaluation of the dominant view of CEECs as mostly responding to initiatives from Brussels.

The remainder of the paper is structured as follows. The next section briefly reviews the primary depictions of CEECs in the 'bottom-up' Europeanization literature. The third section turns to the case study. The conclusion in the fourth section reflects on the implications of the findings for our understanding of power and geography in the EU.

PERIPHERAL MEMBER STATES: ONLY SUBJECTS OF EUROPEANIZATION?

In EU scholarship, CEECs are often described as being at the receiving end of EU influence. In part, this tendency might be explained in historical terms. CEECs are relative newcomers, and analyses that do consider their efforts to impact the direction of Europeanization have emphasized these countries' limited knowledge of 'how to play "the Brussels game" (Pomorska, 2012, p. 175). But questions of power and economic size differentials vis-à-vis the West matter perhaps the most. This is so even in policy areas where CEECs potentially have much to offer in terms of knowledge and resources, and where much is at stake for them.

Thus, the tendency has been to view CEECs as primarily subjects of Europeanization (Schimmelfennig & Sedelmeier, 2005; Sedelmeier, 2011). An extensive and sophisticated literature has examined this process from multiple angles. Much of it seeks to assess the extent of convergence in selected CEECs (Meyer-Sahling & Van Stolk, 2015), whether in multiple policy areas from competition law to the environment (Glenn, 2004) or in single policy issues, such as the protection of minorities (Duina & Miani, 2015) or higher education (Dakowska & Harmsen, 2015). Scholars have also examined in detail the importance of conditionality during accession and also, post-entry into the EU, for compliance with EU law and expectations (Grabbe, 2006; Ugur, 2013) and the variables that may mediate such compliance (Schimmelfennig & Sedelmeier, 2020).

In the same vein, scholars have also sought to measure the extent of Europeanization in specific state dimensions. For instance, attention has gone to the way central administrations have evolved (Bachtler et al., 2014), the degree to which administrative and territorial reorganizations have resulted from participation in the EU (Glenn, 2004), convergence in the attitudes and orientations of civil servants (Meyer-Sahling et al., 2015), and state—society relations (Demidov, 2017). In addition, analyses have concerned actors outside of the state. These include think

tanks active in specific policy areas (Klásková & Císař, 2020) and political parties and their electoral strategies (Csergő & Regelmann, 2017).

These are certain valuable contributions. Recent work, however, suggests that it would be incorrect to view CEECs solely as subject to Europeanization. Scholars have begun exploring the possibility of CEECs 'uploading' their policies and preferences onto the EU to influence the production of its laws, policies and practices, with implications for all member states. The primary area of interest has been the EU's foreign policy. While obviously externally oriented, EU initiatives in this area have affected national policies and positions, including those of the most powerful EU countries, such as Germany (de Flers & Müller, 2012; Miskimmon, 2007). There is growing evidence that CEECs have played an important role on this front.

In particular, there is evidence that CEECs have influenced EU policy toward Ukraine and Belarus. Poland and Slovenia, as they improve their ability to navigate the EU system, appear to have been especially influential (Copsey & Pomorska, 2014; Kajnč, 2011; Pomorska, 2012, p. 183). Other studies shed light on the impact of the Visegrád countries on the EU's European Neighborhood Policy. An important edited volume (Baun & Marek, 2013) provides further supporting evidence on this front but also extends the analysis to EU policies toward the Middle East, North Africa and other areas of the Mediterranean.

To be sure, these scholars often qualify the extent of CEECs' impact, sometimes to the point of describing it more as an expression of 'aims' rather than actual achievements, as, for instance, with Hungary under Orbán's leadership (Hettyey, 2020). Nevertheless, even if the impact is limited, this emerging body of work opens the door to further investigations. The established paradigm of bottom-up dynamics in Europeanization, with its assumption about the driving role of the older and more powerful member states and related view that the CEECs adapt and not drive 'more' Europe, requires revision. What is needed now is additional evidence and conceptual elaborations on how CEECs may play a more active role in Europeanization. Recent events around food quality standards and TNCs in CEECs offer an instructive example.

CEECS AND THE EUROPEANIZATION OF FOOD QUALITY STANDARDS

This section examines how a group of CEECs comprising mostly the Visegrád countries succeeded in pressuring the Commission to produce further regulation and supporting compliance mechanisms around food quality standards. The analysis proceeds as follows. First, attention is paid to the CEECs' initial claims of evidence of discriminatory practices by TNCs and the Commission's dismissal of those arguments. Second, we consider the CEECs' multifaceted strategy to pressure the Commission for more regulation and related compliance mechanisms. Third, we examine the Commission's eventual turnaround and regulatory and administrative interventions.

The evidence comes from an analysis of news sources, governments' websites, EU official documents (such as EP reports and opinion documents, Council of Europe notes, and EU Committee reports), Members of the European Parliament's (MEPs) websites, an interview with an official from the Commission's Justice and Consumers Directorate General (hereafter referred to as CEU, 2021) who played a key role in the Commission's management of the case, and the one-hour EP debate on this particular issue in 2018 (European Parliament, 2018a). We also relied on secondary sources for additional information.

EARLY CEECs' CLAIMS AND THE COMMISSION'S DISMISSAL

Throughout the 2000s and early 2010s, the EU's regulatory framework around consumer protection comprised a set of laws that technically, though not explicitly, allowed companies to use double-quality standards for their products. Specifically around food, the relevant laws were

the Food Information Regulation 1169/2011, the General Food Law Regulation 178/2002, and the Unfair Commercial Practices Directive 2005/29/EC.

Regulation 1196/2011 specified that information on the quantity of an ingredient was mandatory only if that ingredient was present in the product's name, was underlined in words, pictures or graphics, or was essential to characterize the food and differentiate it from other products. It was thus quite possible for a company to sell in different countries, under the same name and with the same packaging, a food product with varying quantities of one or more ingredients. Regulation 178/2002 addressed questions of safety and not quality. Directive 2005/29/EC did not provide a sufficient legal basis to identify as unfair the use of double-quality standards for foods sold as identical.

In the late 2000s, CEECs' governments began to suspect that TNCs from the Western member states, along with some from the United States, were using this loophole to market in their countries food products with the same name and packaging as those sold in other member states even when the former were, in practice, of lower quality (Niculescu, 2009). Reports from government entities such as Hungary's Food Safety Authority and consumer associations such as the Slovak Association of Consumers indicated that some products that appeared identical were hence different. Studies showed that Iglo's fish fingers sold in the Czech Republic, for instance, contained less fish meat than those sold in Germany or Austria (Johnstone, 2015). Nutella in Hungary was found to be not as creamy as its counterpart in Austria (Jancarikova, 2017). Coca Cola's soft drinks sold in Slovakia, Hungary, Bulgaria and Romania contained a much cheaper sweetener than that used in countries such as Germany and Austria (Euractiv, 2013). A series of other studies pointed to similar practices for other food products.¹

Government representatives and MEPs from several CEECs attempted to make the argument that these practices violated the general EU principle of non-discrimination on grounds of nationality, as stated in the 2007 Treaty of Lisbon (Article 18). Driven, according to some in the Commission at least (CEU, 2021), partly by a desire to gain popular and electoral support at home as protectors of local food producers, they used the EP, the media and diplomatic channels as platforms to voice their concerns. But, given the existing regulatory framework, TNCs were technically behaving legally. The Commission responded at first by expressing no interest.

The Commission reasoned that the practices of TNCs could simply be reflective – as some TNCs themselves claimed – of the availability of different ingredients, national tastes and cultural factors (European Commission, 2009). Given the current laws, a Commission spokesman also argued that the EU in fact was not in a position to 'impose [a] "one-recipe-for-all" as long as corporations were not intentionally misleading consumers (European Parliament, 2011a). Moreover, the Commission noted, the limited enforcement capabilities of the CEECs prevented them from doing more with the existing legislative framework (CEU, 2021). Accordingly, the Commission refused to carry out large-scale comparative studies because, it stressed, they would be 'extremely complex, resource intensive and with little added value' (European Commission, 2013; European Parliament, 2016).

In addition, for several years, Commission officials actively dismissed studies put forth by several CEECs. It argued that the evidence from their tests lacked generalizability (European Parliament, 2011b), future studies might produce more useful evidence (European Parliament, 2011b), EU resources were already being spent on issue areas potentially related to food (such as unfair commercial practices) (European Parliament, 2013a), and past steps to increase transparency for consumers might prove helpful (European Parliament, 2011b, 2012, 2013b).

THE CEECS DEMAND AND MOBILIZE FOR MORE EU REGULATION

The CEECs did not accept the Commission's reasoning. Viewing this as a matter of TNCs taking advantage of a legal loophole to discriminate against their citizens, they began

demanding a more supportive EU regulatory framework and better resources for enforcement – that is, for more Europeanization in the area of quality standards. They asked for improvements, amendments or adaptations of existing legislations (European Parliament, 2013c; Šuica et al., 2017; Tarabella, 2013), a 'clear and uniform consumer protection system' (Bauer, 2013), and a 'code of fair principles on the marketing of branded products in the EU Single Market' (General Secretariat of the Council of the EU, 2017). As Czech MEP Olga Sehnalová and Croatian MEP Biljana Borzan put it, 'we want to have legal certainty, we want to give legal certainty to the supervisory parties' and 'we are for change of the directive of unlawful trading practices and we want an existing agency to regulate this matter' (European Parliament, 2018a).

As part of these requests, CEECs officials and their MEPs asked the EU for more tests, surveys and evidence collection. For instance, in 2011 Romanian MEP Elena Oana Antonescu asked the Commission to 'carry out further surveys and studies' (European Parliament, 2011a). The demands culminated with the CEECs requesting the Commission to develop a 'common testing methodology' or 'harmonized methodology' across the EU (Sehnalová, 2018a; *The Slovak Spectator*, 2017). They also asked for resources for enforcement such as funding for analysis at a larger scale, a data-sharing system for test results, and an additional EU supervisory agency specialized in dual-quality issues (Sehnalová, 2018a).

The CEECs pursued these demands by engaging in a three-pronged strategy. Taken together, the approach proved powerful. We consider each element of that strategy in turn.

The first strategic element was the use of *morally charged language*. Concerned with being treated unequally vis-à-vis the older and richer EU member states, CEECs' politicians began to describe the problem as a fundamental issue of fairness, especially in terms of West versus East. National leaders voiced this perspective directly with evocative language. Bulgarian Prime Minister Boyko Borissov stated in 2017 at the peak of the tensions, for instance, that the dual-standards practice was 'unacceptable and insulting. Maybe this is a remnant of apartheid – for some, food should be of higher quality, and for others, in Eastern Europe, of lower quality' (Boffey, 2017). Czech Agriculture Minister Marian Jurecka stated in the same year that CEECs' citizens were tired of being 'Europe's garbage can' while the top aide to Hungarian Prime Minister Viktor Orban called dual food standards 'the biggest scandal of the recent past' (Jancarikova, 2017). These sentiments were echoed in the EP by CEECs' nationals, such as Czech MEP Olga Sehnalová, who described the problem as a 'highly political & symbolic issue, which is very relevant for the equality, justice and fairness of the European internal market' (European Parliament, 2018a).

The primary substantive focus was on consumer rights. How could CEECs' consumers be treated differently than consumers elsewhere in the EU? Government reports on lower quality and higher prices prompted widespread worries among the public. Many consumers felt 'very puzzled' and 'quite angry' at the data (Michail, 2018), as various surveys confirmed (Kopřiva, 2016; Šajn, 2017, p. 3). Hungary and the Czech Republic stressed to national ministers in the Council of the EU, who in tandem with the EP would have to vote on any legislative changes, the importance of 'protect[ing] consumers and their trust in the quality of foodstuffs throughout the whole of the European Union' (Council of the European Union, 2017).

MEPs from the CEECs added their own voices. Slovakian MEP Edit Bauer, for instance, wrote to the Commission (in the form of a Question for a Written Answer – a procedure that allows MEPs to direct questions to other EU institutions and bodies) in 2013 that:

this practice clearly discriminates against consumers in some Member States – primarily those which joined the EU after 2004 – who can only acquire lower-quality products at what are often higher prices ... widens the gap and has a negative impact on social cohesion. (Bauer, 2013)

Her words were echoed by other MEPs, such as Croatia's Dubravka Šuica, who argued that 'it is unacceptable to discriminate between consumers ... to do so goes against Europe's core policies and principles' (Šuica, 2014). And Slovak MEP Ivan Štefanec advanced a similar perspective when stating that 'we cannot accept this type of different treatment of European consumers' (EPP Group, 2018). Indeed, at stake was the integrity of the single market itself (Nadkarni, 2018; Sehnalová, 2018b). As Pavel Poc, an MEP from the Czech Republic, asked 'What is the EU for if it can't protect its consumers?' (European Parliament, 2011a).

Some of the strongest objections could be heard during the September 2018 hour-long EP debate. 'People shouldn't feel like second- or third-class citizens when buying a product,' MEP Štefanec implored. Bulgarian MEP Momchil Nekov similarly argued that 'we will eliminate two-speed Europe when we eliminate the double standard that we apply to European citizens'. MEP Šuica added that 'we want the same Europe on the East and on the West' (European Parliament, 2018a). In response to the argument that perhaps food companies were simply catering to local tastes, the MEPs had colourful replies. Nekov quipped, for instance, that 'this is really unreasonable; how can you have a 3-month baby have local preferences?' (European Parliament, 2018a). These responses were supported by MEPs from other parts of the EU. French MEP Eric Andrieu, for instance, agreed that 'there is only one Europe. One single internal market and the same rules apply to everybody. There's no first- or second-class Europeans' (European Parliament, 2018a).

The second strategic element of the CEECs' strategy involved the *coordination of actions*. In the earlier phases of mobilization, they mobilized mostly independent of each other. This yielded no results. The CEECs thus moved to form alliances to exchange data and ideas, and then together lobbied the Commission to change its mind. In contrast to the early 2000s when they conducted uncoordinated tests and campaigns that failed to attract its attention (dTest, 2016; Euractiv, 2013; Gotev, 2017; Johnstone, 2015; Kopřiva, 2016; Minarechová, 2017; MTI, 2017), starting in 2017 the CEECs embarked on joint efforts. In March 2017, for instance, a group of 46 CEECs MEPs issued a major interpellation (i.e., a formal request, requiring a written explanation from the Commission) asking for a Commission proposal for supportive legislation (Šuica et al., 2017).

Later that year, *The Summit for Equal Quality of Products for All* was held in Bratislava. This was a stand-alone, high-profile event attended by the prime ministers of the Visegrád countries, representatives of all other member states, several EU Commissioners, and industry stakeholders (General Secretariat of the Council of the EU, 2017). There, led by Slovakia, the CEECs put forth requests for legislative measures and a common testing methodology. The summit was a major step forward – prompting Slovakia's Prime Minister Slovak Robert Fico to say that 'I consider it a huge success for Slovakia to get this topic on the international table' (*The Slovak Spectator*, 2017). As they worked together, the CEECs' voices grew in volume and became more compelling.

The third strategic dimension centred on *leveraging strategically the EU institutional environment* to elicit better responses. As the above discussion indicated, the primary approach involved relying on the EP to influence the Commission. The EP cannot initiate laws, but votes on them and can also pass resolutions to call on the Commission to initiate new legislation (something that the Commission can accept or refuse to do). Its members are expected not to represent the interests of any given member state but, rather, the EU-level party group to which they belong. In practice, however, the EP can be used to focus attention on certain sensitive issues, and these can very well be in relation to certain member states, especially since MEPs owe their positions to elections in their home countries. Hence, in this case, the CEECs turned to their elected MEPs to raise the issue, seek alliances with MEPs from other countries, and demand action. It was through their work that the Commission began to take notice of the problem at hand.

Specifically, with expanded power from the Lisbon Treaty (European Parliament, 2009), which gave it legislative competencies in fields such as agriculture and fisheries, the EP provided the CEECs with a legitimate platform to air their grievance, hold public debates, develop proposals, and call on the Commission for a 'meaningful investigation' of the dual quality problem (European Parliament, 2013c; Sehnalová, 2016). The most frequently used method was MEPs submitting written questions to the Commission (per the formal procedure discussed earlier in relation to MEP Bauer) and seeking responses through the EP (e.g., Bauer, 2013; Šuica, 2014; Tarabella, 2013; Vigenin, 2011).

In June 2018, the EP's committee on Internal Market and Consumer Protection hence voted almost unanimously for a report on dual quality food that called for tougher actions and recommended measures at the EU and national levels to tackle the observed practices of TNCs. The report demanded that the Commission publish a common testing methodology and disclose data 'no later by end of this year' (Nadkarni, 2018). These efforts culminated into a the one-hour Parliament Debate of September 2018 during which more than 35 representatives made statements urging the Commission to meet the requests of CEECs (European Parliament, 2018a).

MORE EU: RECOGNITION AND IMPROVED COMPLIANCE CAPACITY

The CEECs' decade-long persistence began to pay off in 2017 when the Commission accepted that the existing regulatory loopholes presented a problem. It was more than a bureaucratic nod of appeasement. It was in fact Commission President Juncker who stated, in his State of the Union speech, that the TNCs' practices in effect violated the basic principle of non-discrimination in the single market:

I will not accept that in some parts of Europe, in Central and Eastern Europe, people are sold food of lower quality than in other countries, despite the packaging and branding being identical. Slovaks do not deserve less fish in their fish fingers. Hungarians less meat in their meals. Czechs less cacao in their chocolate. EU law outlaws such practices already. And we must now equip national authorities with stronger powers to cut out any illegal practices wherever they exist. (quoted in European Parliament, 2018b, p. 7)

The CEECs had succeeded in ensuring that their concerns become a major EU priority – a remarkable achievement. Senior commissioners supported Juncker's stance. Věra Jourová, the Czech Commissioner for Justice, Consumers and Gender Equality, joined, for instance, by promising that 'I am determined to put an end to this practice, prohibited under EU law, and make sure that all consumers are treated equally' (Voin & Wigand, 2017).

In concrete terms, this translated into regulatory and compliance measures. The Commission set out to produce new specific legislation to address the dual quality issue by 2019 (Visegrad Group, 2017). Ahead of that, it published guidance lists and explained the relevant requirements set out in the EU Food Information Regulation and Unfair Commercial Practices Directive to enable their application by national authorities (Voin & Wigand, 2017). In addition, the Commission promised €1 million to its Joint Research Centre (JRC) for the development of a common methodology for food product comparative testing and enforcement actions (Voin & Wigand, 2017). Later that year, Commission representatives' attendance at the Summit for Equal Quality of Products for All in Bratislava sent a strong message that the EU was taking this issue seriously and actively seeking allies to tackle it (General Secretariat of the Council of the EU, 2017).

In June 2018 the common testing methodology was published (European Commission, 2018a) and Commissioner Jourová 'encourage[d] all national authorities to use it in the coming months, so that we can put an end to this practice' (Voin & Wigand, 2017). The Commission's

legislative proposal was then published during the same year with the title of *New Deal for Consumers*. The aim was:

to tackle dual quality of products by amending Article 6 of Directive 2005/29/EC to designate as a misleading commercial practice the marketing of a product as being identical to the same product marketed in several other Member States, when those products have a different composition or characteristics. (European Commission, 2018b)

In June 2019, the results of the first major study by the Commission JRC involving 1400 food products in 19 EU countries showed important compositional differences, despite identical front-of-pack information, in 9% of the cases (Ulberth, 2019). Another 22% of the products had different compositions despite similar front-of-pack information. While there was no conclusive East–West pattern, the results were sufficient to confirm the existence of different quality standards in the EU, and to underscore the value of the new resources for continued testing of products and sanctioning of violators. As Commissioner Jourová put it when commenting on the results:

There will be no double standards in Europe's single market. With the new laws penalizing the dual quality and strengthening the hands of the consumer authorities, we have the tools at hand to put an end to this practice. European consumers will be able to do their shopping in full trust that they buy what they see. (EU Science Hub, 2019; see also Ulberth, 2019)

In November 2019, the EP and Council adopted *Directive 2019/2161*. Its Article 3 amended *Directive 2005/29* on unfair business-to-consumer practices by prohibiting explicitly 'any 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, unless justified by legitimate and objective factors', such as the seasonality of ingredients. The legal loophole that TNCs had exploited was thereby essentially closed.

CEECs' efforts had borne fruit. Their concerns secured the Commission's attention. The results were an expansion of the Commission's regulatory and administrative reaches, with implications for all EU member states.

CONCLUSIONS

The case of dual food quality standards in the EU offers insights into the possibility that CEECs, which are normally depicted in the literature as subjects of top-down Europeanization, can in fact operate in bottom-up fashion as drivers of more EU regulation and administrative capacities. Over a period of ten years, government representatives and MEPs from CEECs – motivated at least in part by electoral and populist concerns at home – mobilized against TNCs from the Western member states as well as the United States for their exploitation of a legal loophole in EU law enabling those TNCs to sell lower quality foods in CEECs' markets. The European Commission – an institution with a historic tendency to welcome and in fact seek opportunities for regulatory expansion – resisted the initial calls from the CEECs. Through a skilful combination of morally charged language, coordinated action and leveraging of the EP, the CEECs were able to pressure the Commission into action. The result was the Europeanization of quality standards, applicable by definition across all member states and their TNCs.

Analyses recognizing CEECs as drivers of Europeanization do exist. They are, however, mostly focused on EU foreign policy, especially in relation to non-member states in Eastern Europe. The case considered in this paper concerns a matter much more central to the core

purpose of the EU: its internal market. It represents a clear and significant case of CEECs being able to influence Europeanization in that realm. Three reflections on questions of periphery and power differentials accordingly emerge.

The first concerns the methods by which the CEECs managed to achieve their objectives. In particular, the use of moral language, such as claims of being treated as Europe's 'garbage can' or 'second class' citizens, in effect turned a perceived weakness – being poorer newcomers from the former Communist East – into a source of strength. More powerful and central countries, such as France or Germany, could not have relied on the same strategy: few would have sympathized with their claims. The CEECs depicted TNCs as cynical and unscrupulous actors happy to take advantage of what TNCs must obviously have thought to be inferior consumers. The alleged problem was thus given symbolic significance. The language of discrimination eventually resonated with the Commission at the highest levels.

At the heart of the CEECs' strategy, then, was a particular sort of discursive framing that has potential for deployment by peripheral EU countries in future instances of bottom-up Europeanization. It could constitute a powerful lever – in line with existing research arguing that language choices matter when it comes to problem definitions in the EU policymaking space (Béland, 2009; Carstensen & Schmidt, 2016) and in relation specifically to bottom-up Europeanization itself (McCauley, 2011). The point has, in turn, analytical relevance as well for future academic frameworks of how Europeanization from the periphery might function.

The second reflection relates to the institutional tendencies of the Commission. Scholar-ship on the EU has for decades described in painstakingly details the reasons and modes by which the Commission has consistently expanded its reach beyond existing limits. Neofunctionalists of various stripes have described a story of continued, even if not linear, organizational growth in regulatory and administrative control stemming from Brussels and reaching the member states (Kuhn, 2019). The literature on Europeanization itself is overwhelmingly about the EU institutions expanding their output, not them avoiding doing so. Documented cases where the Commission has actually resisted opportunities to increase its regulatory power are rare and not the subject of academic interest. The case considered here shows the Commission actually resisting, with various justifications, open and well-publicized calls for intervention in an area well within its remit. Historical tendencies were reversed. A key question is the extent to which this happens, and whether a theory of policy resistance by the Commission should be developed.

Hence, as a third point of reflection, a question of causality presents itself. What can explain such resistance, beyond what Commission officials might state in public? It seems appropriate to hypothesize that in this case at least power differentials mattered a great deal. Simply put, it is possible that since the calls came from the CEECs, and since the TNCs were from powerful countries, the concerns were dismissed. If so – and of course only further empirical research could confirm this – it seems important to include such power considerations in any future theory of Commission disinterest in bottom-up pressures for Europeanization.

Such an analysis would certainly have institutional dimensions. Specifically, the focus could be on the organizational, cultural and political biases present in EU institutions that translate into CEECs and other peripheral countries having more limited access to the Europeanization process. The focus could, in parallel, also be on the varying abilities of national core executives to upload domestic policy preferences at the EU level – a point of growing scholarly interest that still needs to consider East–West and other potentially relevant dimensions of difference (James, 2010). Similar attention could in turn go to interest groups from different member states, and their abilities to influence how the EU operates (Beyers & Kerremans, 2012). The resulting studies would add a much-needed periphery–centre perspective to bottom-up frameworks of Europeanization.

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DISCLOSURE STATEMENT

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NOTE

1. For more studies, see Gotev (2017), Minarechová (2017), Nagy (2017) and Young (2016).

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