



**Strengthening cross-border enforcement against  
unfair trading practices**

# Background

- Directive (EU) 2019/633 on unfair trading practices in business-to-business relationships in the agricultural and food supply chain (UTP Directive):

*Article 8 “[...] enforcement authorities cooperate effectively with each other and with the Commission, and that they provide each other with mutual assistance in investigations that have a cross-border dimension.”*

*Article 5 (1) “Suppliers may address complaints either to the enforcement authority of the Member State in which the supplier is established or to the enforcement authority of the Member State in which the buyer that is suspected to have engaged in a prohibited trading practice is established. The enforcement authority to which the complaint is addressed shall be competent to enforce the prohibitions laid down in Article 3.”*

# Reasons for the proposal and context

- Proposal aims to address concerns voiced by farmers in 2024 protests on the need to strengthen the bargaining power of farmers and **restore trust in the food chain - Reflection paper** of March 2024
- **Strategic dialogue recommendations** (September 2024): *“a fair and competitive food value chain” and “cooperation between national enforcement authorities in cross-border cases, including a common online platform to share investigations and information on cases”*
- UTP enforcement authorities call for **EU level regulation and harmonisation of enforcement of cross-border cases** – majority considers that detail rules are required
- Vision / Future (2025-27): **UTP Directive Evaluation (Nov 2025)** and follow-up



# Scope of the proposal

- **Coverage:**

- Applies to the enforcement of UTPs in business-to-business (B2B) relationships in the agricultural and food supply chain.
- Focuses on cross-border dimensions of UTPs.
- Includes mutual assistance, enforcement of decisions, and coordinated actions for cross-border cases.
- Encourages alignment while respecting national legal systems.

- **Exclusions:**

- Does not impact national rules governing private international law or judicial cooperation. Judicial matters and criminal investigations remain under national jurisdiction.
- Introduces a voluntary option for exchanging information on stricter national UTPs, while preserving the right to decline without providing any reasons.

# Creation of a mutual assistance mechanism for cases involving two MS (Art. 6 – 12)

- **Requests for Information:**

- Collected in accordance with national laws of MS
- Deadlines of 60 days unless otherwise agreed and need for explicit reasons to reject
- **Voluntary possibility:** MS **may** decide to cover rules under Article 9 of the UTP Directive.

- **Requests for Enforcement Measures:**

- Exercise of the powers under the UTP Directive by another authority
- Officials of the requesting EA can participate.
- Obligation to inform each other of steps taken and explicit reasons to refuse

- **Enforcement of Decisions:**

- Applies to decisions that can no longer be contested.
- Ensures all avenues within the requesting authority's territory have been exhausted.

# Creation of a mutual assistance mechanism for cases involving two MS (Art. 6 – 12)

- **Notification mechanism:**
  - Aiming to have ALL enforcement authorities informed
  - DDL: within 1 month after establishing the occurrence of a UTP with a cross-border dimension.
- **Language Arrangements:**
  - EAs to agree on language; in case of disagreement, national official languages apply.
- **Implementing powers:**
  - Implementing acts laying down standard forms for the requests of mutual assistance



# Creation of mechanism for coordinated actions for cases involving more than two MS (Art. 13 – 20)

- **Launch of the Coordinated Actions:**

- Initiated when there is reasonable suspicion of a widespread case.
- Widespread cases involve at least three Member States.
- Designation of a coordinator for cross-border cases.
- Explicit reasons for refusing participation in a coordinated action.

- **Investigation and Enforcement Measures:**

- Must be conducted in a coordinated manner.
- National procedural rules must be respected.
- The outcome of investigations summarized in a common position reflecting national decisions.
- Enforcement measures under Article 6 of the UTP Directive may be used as necessary.

# Creation of mechanism for coordinated actions for cases involving more than two MS (Art. 13 – 20)

- **Cessation:**
  - The widespread UTP with a cross-border dimension has ceased or investigations confirm it did not occur.
- **Language Arrangements:**
  - Enforcement authorities agree on language; if no agreement, communications are sent in the official language of the notifying Member State.
- **Alerts:**
  - Aiming to inform **ALL** enforcement authorities and the Commission.
  - No concrete DDL.
  - The aim is to act without delay already upon reasonable suspicion.



# Thank you!