

UTP Coalition proposed amendments to the Proposal for a UTP Regulation on cross-border enforcement

The coalition against Unfair Trading Practices (UTPs) welcomes the proposal for an EU regulation on cooperation among enforcement authorities responsible for the enforcement of Directive (EU) 2019/633 on unfair trading practices in business-to-business relationships in the agricultural and food supply chain (UTP directive)¹. However, the proposed regulation remains insufficient, as it fails to address significant weaknesses in the enforcement of the UTP Directive, particularly regarding non-EU suppliers' access to complaint mechanisms. This proposal should be aligned with the planned revision of the UTP directive itself, including the addition of a ban on purchasing below the cost of sustainable production to the list of black-listed practices.

The regulation's proposal overlooks suppliers outside the EU, who should receive equal protection when selling directly into the EU market. As stated in Recital 12 of the UTP directive: "*Suppliers established outside the Union should also enjoy protection against unfair trading practices when they sell agricultural and food products into the Union*".

The European Council's negotiation mandate with the European Parliament² (Article 20a) highlights the lack of cooperation with actors outside the EU but focuses solely on the prospective non-EU buyers. However, non-EU suppliers of the EU market also face UTPs when selling directly to EU buyers and must be meaningfully included in the current proposal to ensure comprehensive enforcement cooperation against unfair trading practices. Addressing this within the scope of the new regulation is essential for ensuring fair market conditions between EU and non-EU suppliers, while fostering ethical and sustainable trade relations.

We welcome the draft report 2024/03183 by Stefano Bonaccini, which references cooperation with suppliers outside the European Union (Article 20a) and takes into consideration third-country representatives in the proposed notification and alert system (Article 8, paragraph 1d)³. We believe that creating a network of enforcing authorities that includes both EU and non-EU actors is essential to ensure good cooperation and information sharing. As non-EU actors don't have access to appointed UTPs enforcement authorities in their own countries, inclusion of their

¹ [EUR-Lex - 52024PC0576 - EN - EUR-Lex](#)

² Council of the European Union. (2025) [Regulation on cross-border enforcement of unfair trading practices \(UTPs\) - Mandate for negotiations with the European Parliament](#).

³ European Parliament. (2025) [2024/0318\(COD\) - Committee on Agriculture and Rural Development](#).

representatives in the European alert system is particularly important. This report also covers unfair trading practices taken by member states under Art.9 of the EU Directive 2019/633 in Art.5, Art. 6 and 7 of the regulation proposal, thereby facilitating coordination among national rules on unfair trading practices. We recommend the AGRI Committee to vote in favour of this report.

It is crucial that the current regulatory proposal addresses the inclusion of buyers and suppliers from outside the European Union. If it fails to do so, the European Commission should urgently introduce a complementary proposal specifically governing the relationship between European enforcement authorities and non-EU actors.

Proposed Amendments

Original text	Amendment	Justification
Recital (3) “Due to the principle of territoriality, enforcement authorities may face difficulties gathering information, finding an infringement and imposing and enforcing fines and other equally effective penalties where a buyer is established in another Member State...”	Due to the principle of territoriality, enforcement authorities may face difficulties gathering information, finding an infringement and imposing and enforcing fines and other equally effective penalties where a buyer or supplier is established in another Member State or outside the European Union .	Art.1(2) of UTPs Directive 2019/633 states: “ <i>This Directive applies to sales where either the supplier or the buyer, or both, are established in the Union.</i> ” According to the UTPs Directive, infringements can occur also between an European actor and a supplier or buyer based outside the EU. To ensure full compliance with the UTP Directive the proposal should include reference to non EU- actors.
Recital (4) “However, the Regulation should allow the Member States to decide that their enforcement authorities can make use of the possibility to exchange information established under the mutual assistance mechanism set out by this Regulation in relation to	However, the Regulation should allow the Member States to decide that their enforcement authorities can make use of the possibility to exchange information established under the mutual assistance mechanism set out by this Regulation in relation to such rules. In those cases, the enforcement authorities should still have the right to refuse to comply with such a	We believe that allowing an authority to refuse providing information to another one, would undermine the very objectives of the proposal, which is to facilitate cross-border collaboration by sharing information. In any case this proposal on cooperation among enforcement

such rules. In those cases, the enforcement authorities should still have the right to refuse to comply with such a request.”	request if the refusal is motivated by reasons listed in this proposal under Art. 10 of this regulation.	authorities should not undermine national UTP regulations. This will contradict the Directive’s overall goal of combating unfair trading practices and art.9 of the UTP Directive.
	Recital 17: NEW (17a) Since the Directive (EU) 2019/633 applies to sales where either the supplier or the buyer, or both, are established in the Union, this Regulation should also concern the cooperation between European enforcement authorities with regulatory bodies, national export boards, and embassies or other responsible authorities established outside the EU.	Art.1(2) of the UTP Directive 2019/633 states: <i>“This Directive applies to sales where either the supplier or the buyer, or both, are established in the Union.”</i> According to the Directive, infringements can occur also between an European actor and a supplier or buyer based outside the EU. Including this aspect within the scope of the regulation is essential to ensure fair market conditions between EU and non-EU producers while promoting ethical and sustainable trade relationships.
Art. 2 (1) This Regulation applies to the enforcement of the prohibition of unfair trading practices in business-to-business relationships in the agricultural and food supply chain laid down in Article 3(1) and (2) of Directive (EU) 2019/633 with a cross-border dimension.	This Regulation applies to the enforcement of the prohibition of unfair trading practices in business-to-business relationships in the agricultural and food supply chain laid down in Article 3(1) and (2) of Directive (EU) 2019/633 with a cross-border dimension which occurs to sales of agricultural and food products where either the supplier or the buyer, or both, are established in the Union, according to Article 1(2) of Directive (EU) 2019/633.	Recital 12 of UTP Directive (EU) 2019/633 clearly states that “...suppliers established outside the Union should also enjoy protection against unfair trading practices when they sell agri-food products into the Union”. Keeping this aspect within the scope of the new proposal is essential to ensure fair market conditions between EU and non-EU producers while promoting ethical and sustainable trade relationships. Specifying the cross-border dimension

		will increase the compliance with art. 1(2) of the UTP Directive 2019/633.
Art. 3 (d) ‘Unfair trading practice with a cross-border dimension’ means any unfair trading practice within the meaning of Directive (EU) 2019/633 involving one supplier and one buyer that are located in different Member States	‘Unfair trading practice with a cross-border dimension’ means any unfair trading practice within the meaning of Directive (EU) 2019/633 involving either a supplier or a buyer, or both, established in the Union according to art.1(2) of the Directive 2019/633. one supplier and one buyer that are located in different Member States	To comply with art. 1(2) of the Directive 2019/633, cross-border dimension should apply to sales where either the supplier or the buyer, or both, are established in the Union.
Art. 3 (e) Widespread unfair trading practice with a cross-border dimension’ means any unfair trading practice within the meaning of Directive (EU) 2019/633 involving at least three Member States	Widespread unfair trading practice with a cross-border dimension’ means any unfair trading practice within the meaning of Directive (EU) 2019/633 involving at least three Member States or in cases involving a Member State and non- EU actors.	To comply with art. 1(2) of the UTP Directive 2019/633, cross-border dimension should apply to sales where either the supplier or the buyer, or both, are established in the Union.
Art. 4 Member States shall ensure that enforcement authorities have the necessary resources and expertise for the application of this Regulation.	Member States shall ensure that enforcement authorities have the necessary resources and expertise for the application of this Regulation. Member States and the European Commission should also ensure enforcement authorities have enough resources to promote awareness, share information and provide advisory services on the complaint process within the EU and with third countries’ regulatory bodies, national export boards, and embassies and EU Delegations.	UTP Directive 2019/633 enforcement remains weak, with low complaint rates, often due to lack of awareness or fear of retaliation. This issue is even more pronounced for non-EU suppliers. FTAO’s research ⁴ on this topic demonstrates both a lack of awareness of the Directive 2019/633, and suggests ways to improve application in non-EU countries. These are mentioned in the amendment.

⁴ Fair Trade Advocacy Office. (2025) [Report on the implementation of the EU Unfair Trading Practices Directive beyond the EU – Ecuador](#).

<p>Art. 5 (4) Member States may decide that enforcement authorities can make use of the possibilities referred to in this Article in relation to national rules within the meaning of Article 9 of Directive (EU) 2019/633.</p> <p>When an applicant enforcement authority makes use of the possibility provided in subparagraph 1, the requested enforcement authority may refuse to provide information, indicating the reasons for the refusal.</p>	<p>Member States may decide that enforcement authorities can make use of the possibilities referred to in this Article in relation to national rules within the meaning of Article 9 of Directive (EU) 2019/633.</p> <p>When an applicant enforcement authority makes use of the possibility provided in subparagraph 1, the requested enforcement authority may refuse to provide information, indicating the reasons for the refusal</p>	<p>We believe that allowing an authority to refuse providing information to another one, would undermine the very objectives of the proposal, which is to facilitate cross-border collaboration by sharing information. In any case the new proposal on cooperation should not undermine national UTP regulations. This will contradict the Directive's overall goal of combating unfair trading practices and art.9 of the UTP Directive.</p>
<p>Art. 11</p> <p>Language arrangements</p>	<p>(New) 11(3) The languages used by the enforcement authorities for requests, notifications and all other communications for infringements that concern the EU and non-EU actors should be translated at least in English, French and Spanish. The European Commission should provide resources to comply with translation requirements.</p>	
<p>Art. 13(5) In order to establish that an enforcement authority is concerned by a widespread unfair trading practice with a cross- border dimension all elements</p>	<p>Art. 13 (5) In order to establish that an enforcement authority is concerned by a widespread unfair trading practice with a cross- border dimension all elements shall be taken into account and in particular:</p>	<p>Art.1(2) of the UTP Directive 2019/633 states: <i>"This Directive applies to sales where either the supplier or the buyer, or both, are established in the Union."</i> According to the Directive, infringements can occur also between a European</p>

shall be taken into account and in particular: a) the Member States where the buyers are established; b) the Member States where the suppliers that may be affected by the unfair trading practice are established.	a) the Member States where the buyers are established; b) the Member States or the non-EU state where the suppliers that may be affected by the unfair trading practice are established.	actor and a supplier or buyer based outside the EU. Keeping this aspect within the scope of the new proposal is essential to ensure fair market conditions between EU and non-EU producers while promoting ethical and sustainable trade relationships.
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About the UTP Coalition

The UTP Coalition brings together civil society organisations, farmers' associations, and Fair Trade movement organisations that have been collaborating since early 2017 to combat unfair trading practices in food and agricultural supply chains. The coalition has played an active role at the European level, contributing to the development of the UTP Directive, as well as at the national level, supporting its effective transposition into domestic legislations. The UTP coalition has recently developed a [position paper](#)⁵ outlining the urgent need for a comprehensive revision of the UTP Directive.

Signatories:

Oxfam

Fair Trade Advocacy Office (FTAO)

COLEAD

Fairtrade International

⁵ Coalition against Unfair Trading Practices. (2024) [Position paper on the evaluation of Directive \(EU\) 2019/633 regarding Unfair Trading Practices in business-to-business relationships in the agricultural and food supply chain Coalition against Unfair Trading Practices.](#)