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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	AOB item for the meeting of the “Agriculture and Fisheries” Council on 23-24 June 2025: Regulation on cross-border enforcement of unfair trading practices (UTPs) – <i>State of play</i>

BACKGROUND

On 10 December 2024, the Commission submitted to the Council and the European Parliament the proposal of the 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, as part of the EU’s efforts to improve farmers’ position in the agri-food supply chain.

The aim of that proposal is to set up a comprehensive set of rules for cross-border cooperation against unfair trading practices in business-to-business relationships within the agricultural and food supply chain. It improves transnational cooperation in cases where suppliers and buyers are established in different member states and is based on the experience gained since the entry into force of the Directive on combatting unfair trading practices.

The Commission presented its proposal to the Special Committee on Agriculture (SCA) on 13 January 2025. The AGRIFISH Council held an initial exchange of views on 27 January 2025.

The proposal was examined and discussed in details by the Working Party on Agricultural Products on its meetings on 16 and 29 January, 12 February and 14 March.

On 7 April the SCA approved the Council mandate for negotiations with the European Parliament). The final version of the negotiating mandate is contained in doc. 7855/25.

CONTENT OF THE COUNCIL’S NEGOTIATING MANDATE

The main aspects of the Council’s mandate may be summarized as follows:

- The Council supported the main elements of the Commission’s proposal but suggested a series of improvements in its negotiating mandate;
- In particular, the Council agrees that the regulation should contain rules for cooperation between national enforcement authorities in cases of unfair trading practices by buyers from outside the EU, in order to better protect European farmers;
- Furthermore, the Council’s mandate introduces rules on covering costs incurred in cases of mutual assistance. The member state requesting information or asking for investigative or enforcement measures would cover the necessary costs incurred by the member state which carried out the investigation or enforcement. Additionally, any fines collected can be used to cover the costs of such collection;
- The mandate also clarifies the rules under which member states can refuse to comply with a request for information from the national authority of a different member state or refuse to participate in enforcement measures;
- The Council’s negotiation mandate also clarifies the data protection and confidentiality rules.

NEXT STEPS

The Council is ready to start negotiations with the European Parliament once it adopts its position.

The Committee on Agriculture and Rural Development is expected to vote on its report in July, while approval of the mandate in plenary session is expected to take place in September 2025.
