



JANUSZ WOJCIECHOWSKI
MEMBER OF THE EUROPEAN COMMISSION
AGRICULTURE

RUE DE LA LOI, 200
B-1049 BRUSSELS
TEL. **Personal data**
Personal data @EC.EUROPA.EU

Brussels,
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Dear Minister,

On 23 July 2021, the Commission had opened infringement proceedings against your Member State¹, and others, for failing to transpose Directive (EU) 2019/633 banning unfair trading practices (UTPs) in the agri food sector² on time. Your Member State has still not communicated its legislation that would fully transpose the Directive into its legal order. My intention is to propose to the College to go ahead with the infringement procedure by sending a 'reasoned opinion' if the situation does not change.

I take this opportunity to inform you that the Commission presented recently its interim report on the state of the transposition and implementation of the Directive³ to the European Parliament. At that occasion the European Parliament underlined the importance of a prompt and effective transposition and implementation in all Member States.

As I already did in my letter to you of 10 August 2021, and I would like to express my gratitude for having replied to it on 23 August 2021, I should like to recall that the provisions of the UTP Directive are of benefit for EU farmers:

- *The Directive is a first-time EU law providing significant protection for all EU farmers, their organisations as well as small and mid-size businesses against all bigger operators acting unfairly and not respecting the rules;*
- *The Directive covers farmers, but also producer organisations and other suppliers who face stronger buyers, i.e. buyers that are in a higher turnover category as defined by the Directive cannot apply UTPs to them;*

¹ Letter from the Commission from 23 July 2021 (INFR(2021)0316>INFR(2021)0324 C(2021)6000/22).

² <http://data.europa.eu/eli/dir/2019/633/oj>

³ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2021:652:FIN>

Pan Henryk Kowalczyk
Ministerstwo Rolnictwa i Rozwoju Wsi
ul. Wspólna 30
00-930 Warszawa
Polska

- *The Directive protects against 10 specific 'black-list' UTPs that are prohibited whatever the circumstances, i.e. the supplier cannot be coerced to agree to them in formal negotiations with the buyer (e.g. late payments or order cancellations at short notice);*
- *The Directive also protects against six 'grey-list' UTPs that are prohibited if they have not been accepted beforehand, in clear and unambiguous terms, in an agreement between both parties (e.g. the return of unsold products or listing payments);*
- *Importantly, the Directive protects the confidentiality of complainants, thereby addressing their frequently expressed fear of retaliation from buyers, i.e. producers who complain can claim confidentiality (of identity and business secrets) when contacting the enforcement authority.*

I urge you once more to expedite the transposition of the Directive and to complete the process promptly with a view to ensuring the proper protection of the interests of farmers and small operators in the agri-food supply chain across the whole EU in a harmonised way.

Yours faithfully,

Personal data



Janusz Wojciechowski