

# Transposition of Directive (EU) 2019/633 on unfair trading practices: update



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# 1. The most important milestones

- 1 May 2021:** Deadline for transposition into national law, including designation of enforcement authorities (EAs) and information to the COM
- 1 Nov. 2021: Application under national law
- 1 Nov. 2021: Interim COM report on state of transposition and implementation
- 12 months after publication of national law: Compliance of existing contracts
- 15 March 2022: First MS' annual report to COM and start of EA's cooperation
- 2025: Evaluation

## 2. Transposition process

**COM accompanied the transposition process closely:**

- regular interpretation meetings
- around 50 written replies to Member States' interpretation questions
- a meeting with Member States shortly after expiry of the transposition deadline to take stock and get a view on the intentions with regard to their schedule

# 3. State of play - Transposition

- 19 MS notified fully: FIN, FR, BG, EL, HR, LV, NL, DK, IE, EE, LUX, HU, MT, SE, DE, LT, SK, SI and PT
- 2 MS notified partially: AT, CZ
- Publication of national laws available here: <https://eur-lex.europa.eu/legal-content/EN/NIM/?uri=CELEX%3A32019L0633> (provided MS have agreed on publication; website updated once a week) or
- EUROPA website: [https://ec.europa.eu/info/food-farming-fisheries/key-policies/common-agricultural-policy/market-measures/agri-food-supply-chain/unfair-trading-practices\\_en](https://ec.europa.eu/info/food-farming-fisheries/key-policies/common-agricultural-policy/market-measures/agri-food-supply-chain/unfair-trading-practices_en) (including links to and contact details of national enforcement authorities)

## 4. Next steps: Transposition and conformity check

- **Transposition check**

- Member States have to transpose directives in a complete way, **every obligation** of the Directive has to be transposed
- The check starts with the notification of the transposition

- **Conformity check**

- Once the transposition check is finished, an assessment of the compatibility of the national implementing measures with the Directive's provisions/obligations, including definitions will be carried out.

## 4. Next steps: Regular reports and meetings with EAs

- **Annual reports by EAs to the Commission and public**
  - relevant data on the application and enforcement of the rules in the Member State concerned (e.g. number of complaints received, number of investigations opened or closed during the previous year, summary of the matter and outcome of the investigation)
- **Regular meetings with EAs and Commission (at least 1x/year)**
  - To discuss annual reports
  - Share best practices, new cases and developments in the area of UTPs
  - Exchange information, in particular on the implementing measures

## 4. Next steps: Evaluation of the Directive in 2025

- Evaluation based on MS' annual reports + regular surveys
- The surveys target suppliers covered by the Directive at different stages of the agricultural and food supply chain
- To capture the state of play before the national measures are implemented a baseline survey was carried out between September 2020 and February 2021
- Anonymised results are published at the JRC portal:  
[https://datam.jrc.ec.europa.eu/datam/mashup/FOODCHAIN\\_UTP/](https://datam.jrc.ec.europa.eu/datam/mashup/FOODCHAIN_UTP/)
- The survey will be repeated annually across all Member States

# Thank you.



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