



2018/0082(COD)

20.7.2018

AMENDMENTS

61 - 336

Draft report

Paolo De Castro

(PE623.672v01-00)

Unfair trading practices in business-to-business relationships in the food supply chain

Proposal for a directive

(COM(2018)0173 – C8-0139/2018 – 2018/0082(COD))

Amendment 61
Maria Gabriela Zoană

Draft legislative resolution
Citation 4

Draft legislative resolution

— having regard to the reasoned opinions submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the German Bundesrat, the Romanian Senate and the Swedish Parliament, asserting that the draft legislative act **does not comply** with the principle of subsidiarity,

Amendment

— having regard to the reasoned opinions submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the German Bundesrat, the Romanian Senate and the Swedish Parliament, asserting that, **while** the draft legislative act **complies** with the principle of subsidiarity, **the proportionality principle is respected only in part**,

Or. ro

Justification

On 11 June 2018, the Romanian Senate examined the proposal for a directive of the European Parliament and of the Council on unfair trading practices in business-to-business relationships in the food supply chain and found that, while it complied with the principle of subsidiarity, the proportionality principle was only partially respected.

Amendment 62
Norbert Erdős

Proposal for a directive
Title 1

Text proposed by the Commission

Proposal for a
DIRECTIVE OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
on unfair **trading** practices in business-to-business relationships in the food supply chain

Amendment

Proposal for a
DIRECTIVE OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
on unfair **distribution** practices in business-to-business relationships in the food supply chain

Or. hu

Justification

Suggested correction to the Hungarian translation. The expression 'unfair trading practices' must be changed to 'unfair distribution practices' wherever it appears in the Hungarian version of the directive.

Amendment 63

Miguel Viegas

Proposal for a directive

Title 1

Text proposed by the Commission

Proposal for a
DIRECTIVE OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
on unfair trading practices in business-to-
business relationships in the **food** supply
chain

Amendment

Proposal for a
DIRECTIVE OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
on unfair trading practices in business-to-
business relationships in the supply chain

Or. pt

Amendment 64

Maria Heubuch

on behalf of the Verts/ALE Group

Proposal for a directive

Recital 3

Text proposed by the Commission

(3) Different operators are active in the food supply chain at the stages of production, processing, marketing, distribution **and** retail **of food** products. The chain is by far the most important channel for bringing **food** products from “farm to fork”. Those operators trade food products, that is to say primary agricultural products, including fishery and aquaculture products, as listed in Annex I to the Treaty for use as food, and other food products not listed in that Annex but processed from agricultural products for use as food.

Amendment

(3) Different operators are active in the **agricultural and** food supply chain at the stages of production, processing, **importing, exporting,** marketing, distribution, retail **and sale to final consumers of agri-food** products. The chain is by far the most important channel for bringing **agri-food** products from “farm to fork”. Those operators trade **agricultural and** food products, that is to say primary agricultural products, including fishery and aquaculture products, as listed in Annex I to the Treaty for use as food, and other food products not listed in that Annex but processed from agricultural

products for use as food.

Or. en

Amendment 65
Norbert Erdős

Proposal for a directive
Recital 3

Text proposed by the Commission

(3) Different operators are active in the food supply chain at the stages of production, processing, marketing, distribution **and retail** of food products. The chain is by far the most important channel for bringing food products from “farm to fork”. Those operators trade food products, that is to say primary agricultural products, including fishery and aquaculture products, as listed in Annex I to the Treaty for use as food, and other food products not listed in that Annex but processed from agricultural products for use as food.

Amendment

(3) Different operators are active in the food supply chain at the stages of production, processing, marketing, **domestic and overseas trade** distribution, **trade and sale to final consumers** of food products. The chain is by far the most important channel for bringing food products from 'farm to fork'. Those operators trade food products, that is to say primary agricultural products, including fishery and aquaculture products, as listed in Annex I to the Treaty for use as food, and other food products not listed in that Annex but processed from agricultural products for use as food.

Or. hu

Justification

The food supply chain covers all operators from 'farm to fork' and so also includes those on whom farming has an impact.

Amendment 66
Philippe Loiseau, Jacques Colombier, Angelo Ciocca, Mara Bizzotto

Proposal for a directive
Recital 4

Text proposed by the Commission

(4) While business risk is inherent in all economic activity, agricultural production is particularly fraught with uncertainty due to its reliance on biological

Amendment

(4) While business risk is inherent in all economic activity, agricultural production is particularly fraught with uncertainty due to its reliance on biological

processes, since agricultural products are to a greater or lesser extent perishable and seasonable, and its exposure to weather conditions. In an agricultural policy environment that is distinctly more market-oriented than in the past, protection against unfair trading practices *has become more important for* operators active in the food supply chain and in particular *for* agricultural producers and their organisations.

processes, since agricultural products are to a greater or lesser extent perishable and seasonable, and its exposure to weather conditions, *price volatility and changing geopolitical situations, which can cause huge disruptions to a specific sector (in particular, via trade preferences and embargos, etc.)*. In an agricultural policy environment that is distinctly more market-oriented than in the past, protection against unfair trading practices *is currently of paramount importance to* operators active in the food supply chain and in particular *to* agricultural producers and their organisations.

Or. fr

Amendment 67 Othmar Karas

Proposal for a directive Recital 5

Text proposed by the Commission

(5) The number and size of operators vary across the different stages of the *food* supply chain. Differences in bargaining power relate to the different levels of concentration of operators and can enable the unfair exercise of bargaining power by using unfair trading practices. Unfair trading practices are in particular harmful for small and medium-sized operators in the food supply chain. Agricultural producers, who supply primary agricultural products, are largely small and medium-sized.

Amendment

(5) The number and size of operators vary across the different stages of the supply chain *for food and agricultural products*. Differences in bargaining power relate to the different levels of concentration of operators and can enable the unfair exercise of bargaining power by using unfair trading practices. Unfair trading practices are in particular harmful for small and medium-sized operators in the food supply chain. Agricultural producers, who supply primary agricultural products, are largely small and medium-sized. *Agricultural producer organisations and agricultural cooperatives should also fall under the scope of this Directive provided that their relationship with the buyer is characterized by an economic dependence due to which the supplier depends on the buyer because of the importance of the deliveries to the buyer in terms of quantity, the buyer's reputation, its*

market share or the absence of sufficient alternative sales possibilities.

Or. en

Amendment 68

Ricardo Serrão Santos

Proposal for a directive

Recital 5

Text proposed by the Commission

(5) The number and size of operators vary across the different stages of the food supply chain. Differences in bargaining power relate to the different levels of concentration of operators and can enable the unfair exercise of bargaining power by using unfair trading practices. Unfair trading practices are in particular harmful for small and medium-sized operators in the food supply chain. Agricultural producers, who supply primary agricultural products, are largely small and medium-sized.

Amendment

(5) The number and size of operators vary across the different stages of the food supply chain. Differences in bargaining power relate to the different levels of concentration of operators and can enable the unfair exercise of bargaining power by using unfair trading practices, *for which agricultural producers located in areas or regions characterized by remoteness or atomized production due to geographical constraints can be particularly vulnerable, such as in outermost regions, islands and mountainous areas.* Unfair trading practices are in particular harmful for small and medium-sized operators in the food supply chain. Agricultural producers, who supply primary agricultural products, are largely small and medium-sized.

Or. en

Amendment 69

Esther Herranz García, Ramón Luis Valcárcel Siso, Gabriel Mato, Pilar Ayuso

Proposal for a directive

Recital 5

Text proposed by the Commission

(5) The number and size of operators vary across the different stages of the *food* supply chain. Differences in bargaining power relate to the different levels of concentration of operators and can enable

Amendment

(5) The number and size of operators vary across the different stages of the *agri-food* supply chain. Differences in bargaining power relate to the different levels of concentration of operators and

the unfair exercise of bargaining power by using unfair trading practices. Unfair trading practices are in particular harmful for small and medium-sized operators in the **food** supply chain. Agricultural producers, who supply primary agricultural products, are largely small and medium-sized.

can enable the unfair exercise of bargaining power by using unfair trading practices. Unfair trading practices are in particular harmful for small and medium-sized operators in the **agri-food** supply chain. Agricultural producers, who supply primary agricultural products, are largely small and medium-sized. **Nevertheless, all operators, regardless of their economic dimension, are vulnerable to unfair trading practices.**

((The change from "food supply chain" to "agri-food supply chain" applies throughout the text.))

Or. en

Justification

The first part of the amendment aims at protecting any farmer, as UTPs can also affect those producers that sell agricultural products not intended for human consumption (e.g. cut flowers, feed and others). The second part prepares the ground for enlarging the scope to all operators regardless of the economic dimension.

Amendment 70

Mairead McGuinness, Annie Schreijer-Pierik, Sofia Ribeiro, Michel Dantin, Angélique Delahaye, Peter Jahr, Herbert Dorfmann, Nuno Melo

Proposal for a directive

Recital 5

Text proposed by the Commission

(5) The number and size of operators vary across the different stages of the food supply chain. Differences in bargaining power relate to the different levels of concentration of operators and can enable the unfair exercise of bargaining power by using unfair trading practices. Unfair trading practices are **in particular** harmful for small and medium-sized operators in the food supply chain. Agricultural producers, who supply primary agricultural products, are **largely** small and medium-sized.

Amendment

(5) The number and size of operators vary across the different stages of the **agricultural and** food supply chain. Differences in bargaining power relate to the different levels of concentration of operators and can enable the unfair exercise of bargaining power by using unfair trading practices. Unfair trading practices are **even more** harmful for small and medium-sized operators in the **agricultural and** food supply chain. Agricultural producers, who supply primary agricultural products, are **often** small and medium-sized, **but all suppliers irrespective of size are susceptible to**

unfair trading practices.

Or. en

Amendment 71

Marijana Petir

Proposal for a directive

Recital 5

Text proposed by the Commission

(5) The number and size of operators vary across the different stages of the food supply chain. Differences in bargaining power relate to the different levels of concentration of operators and can enable the unfair exercise of bargaining power by using unfair trading practices. Unfair **trading practices are in particular** harmful for small and medium-sized operators in the food supply chain. Agricultural producers, who supply primary agricultural products, are largely small and medium-sized.

Amendment

(5) The number and size of operators vary across the different stages of the food supply chain. Differences in bargaining power relate to the different levels of concentration of operators and can enable the unfair exercise of bargaining power by using unfair trading practices. **All suppliers, irrespective of their commercial strength, are exposed to unfair commercial practices, and these are particularly** harmful for small and medium-sized operators in the food supply chain. Agricultural producers, who supply primary agricultural products, are largely small and medium-sized.

Or. hr

Amendment 72

Maria Heubuch

on behalf of the Verts/ALE Group

Proposal for a directive

Recital 5

Text proposed by the Commission

(5) The number and size of operators vary across the different stages of the food supply chain. Differences in bargaining power relate to the different levels of concentration of operators and can enable the unfair exercise of bargaining power by using unfair trading practices. Unfair trading practices are in particular harmful

Amendment

(5) The number and size of operators vary across the different stages of the **agricultural and** food supply chain. Differences in bargaining power relate to the different levels of concentration of operators and can enable the unfair exercise of bargaining power by using unfair trading practices. Unfair trading

for small and medium-sized operators in the food supply chain. Agricultural producers, who supply primary agricultural products, are *largely* small and medium-sized.

practices are in particular harmful for small and medium-sized operators in the food supply chain, *both inside and outside of the Union*. Agricultural producers, who supply primary agricultural products, are *often* small and medium-sized *actors in the agricultural and food supply chain*.

Or. en

Justification

Small-scale food producers and workers in developing countries suffer directly or indirectly from unfair trading practices imposed by the most powerful actors in the food supply chain.

Amendment 73 **Matt Carthy**

Proposal for a directive **Recital 5**

Text proposed by the Commission

(5) The number and size of operators vary across the different stages of the food supply chain. Differences in bargaining power relate to the different levels of concentration of operators and can enable the unfair exercise of bargaining power by using unfair trading practices. Unfair trading practices are in particular harmful for small and medium-sized operators in the food supply chain. Agricultural producers, who supply primary agricultural products, are largely small and medium-sized.

Amendment

(5) The number and size of operators vary across the different stages of the food supply chain. Differences in bargaining power relate to the different levels of concentration of operators and can enable the unfair exercise of bargaining power by using unfair trading practices. Unfair trading practices are in particular harmful for small and medium-sized operators in the food supply chain *both inside and outside the union*. Agricultural producers, who supply primary agricultural products, are largely small and medium-sized.

Or. en

Amendment 74 **Norbert Erdős**

Proposal for a directive **Recital 4**

Text proposed by the Commission

Amendment

(4) While business risk is inherent in all economic activity, agricultural production is particularly fraught with uncertainty due to its reliance on biological processes, since agricultural products are to a greater or lesser extent perishable and seasonable, and its exposure to weather conditions. In an agricultural policy environment that is distinctly more market-oriented than in the past, protection against unfair *trading* practices has become more important for operators active in the food supply chain and in particular for agricultural producers and their organisations.

4. While business risk is inherent in all economic activity, agricultural production is particularly fraught with uncertainty due to its reliance on biological processes, since agricultural products are to a greater or lesser extent perishable and seasonable, and its exposure to weather conditions. In an agricultural policy environment that is distinctly more market-oriented than in the past, protection against unfair *distribution* practices has become more important for operators active in the food supply chain and in particular for agricultural producers and their organisations.

Or. hu

Amendment 75

Maria Heubuch

on behalf of the Verts/ALE Group

Proposal for a directive

Recital 4

Text proposed by the Commission

(4) While business risk is inherent in all economic activity, agricultural production is particularly fraught with uncertainty due to its reliance on biological processes, since agricultural products are to a greater or lesser extent perishable and seasonable, and its exposure to weather conditions. In an agricultural policy environment that is distinctly more market-oriented than in the past, protection against unfair trading practices has become more important for operators active in the food supply chain and in particular for agricultural producers and their organisations.

Amendment

(4) While business risk is inherent in all economic activity, agricultural production is particularly fraught with uncertainty due to its reliance on biological processes, since agricultural products are to a greater or lesser extent perishable and seasonable, and its exposure to weather conditions. In an agricultural policy environment that is distinctly more market-oriented than in the past, protection against unfair trading practices has become more important for operators active in the *agricultural and* food supply chain and in particular for agricultural producers and their organisations.

Or. en

Amendment 76

Clara Eugenia Aguilera García

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PE625.561v01-00

EN

Proposal for a directive
Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) Irrespective of the size of the operators, differences in bargaining power are commensurate with the dependency, particularly economic dependency, of the supplier on the buyer.

Or. es

Amendment 77
Tom Vandenkendelaere

Proposal for a directive
Recital 6

Text proposed by the Commission

Amendment

(6) A majority of all Member States, but not all of them, have specific national rules that protect suppliers against unfair trading practices occurring in business-to-business relationships in the food supply chain. Where reliance on contract law or self-regulatory initiatives is possible, fear of retaliation against a complainant *limits* the practical value of these *forms of redress*. Certain Member States, which have specific rules on unfair trading practices in place, therefore entrust administrative authorities with their enforcement. However, Member States' unfair trading practices rules - to the extent they exist - are characterised by significant divergence.

(6) A majority of all Member States, but not all of them, have specific national rules that protect suppliers against unfair trading practices occurring in business-to-business relationships in the food supply chain. *Even* where reliance on contract law or self-regulatory initiatives is possible, *however*, fear of retaliation against a complainant *may limit* the practical value of these *protection measures*. Certain Member States, which have specific rules on unfair trading practices in place, therefore entrust administrative authorities with their enforcement. However, Member States' unfair trading practices rules - to the extent they exist - are characterised by significant divergence.

Or. nl

Amendment 78
Philippe Loiseau, Jacques Colmbier, Angelo Ciocca, Mara Bizzotto

Proposal for a directive
Recital 6

PE625.561v01-00

12/145

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Text proposed by the Commission

(6) A majority of all Member States, but not all of them, have specific national rules that protect suppliers against unfair trading practices occurring in business-to-business relationships in the food supply chain. Where reliance on contract law or self-regulatory initiatives is possible, fear of retaliation against a complainant limits the practical value of these forms of redress. Certain Member States, which have specific rules on unfair trading practices in place, therefore entrust administrative authorities with their enforcement. However, Member States' unfair trading practices rules - to the extent they exist - are characterised by significant divergence.

Amendment

(6) A majority of all Member States, but not all of them, have specific national rules that protect suppliers against unfair trading practices occurring in business-to-business relationships in the food supply chain. Where reliance on contract law or self-regulatory initiatives is possible, fear of **financial, trade or contractual** retaliation against a complainant limits the practical value of these forms of redress. Certain Member States, which have specific rules on unfair trading practices in place, therefore entrust administrative authorities with their enforcement. However, Member States' unfair trading practices rules - to the extent they exist - are characterised by significant divergence, **and are not enough to provide effective and uniform protection to European producers.**

Or. fr

Amendment 79

Maria Heubuch

on behalf of the Verts/ALE Group

Proposal for a directive

Recital 6

Text proposed by the Commission

(6) A majority of all Member States, but not all of them, have specific national rules that protect suppliers against unfair trading practices occurring in business-to-business relationships in the food supply chain. Where reliance on contract law or self-regulatory initiatives is possible, fear of retaliation against a complainant limits the practical value of these forms of redress. Certain Member States, which have specific rules on unfair trading practices in place, therefore entrust administrative authorities with their enforcement. However, Member States'

Amendment

(6) A majority of all Member States, but not all of them, have specific national rules that protect suppliers against unfair trading practices occurring in business-to-business relationships in the **agricultural and** food supply chain. Where reliance on contract law or self-regulatory initiatives is possible, fear of retaliation against a complainant limits the practical value of these forms of redress. Certain Member States, which have specific rules on unfair trading practices in place, therefore entrust administrative authorities with their enforcement. However, Member States'

unfair trading practices rules - to the extent they exist - are characterised by significant divergence.

unfair trading practices rules - to the extent they exist - are characterised by significant divergence.

Or. en

Amendment 80

Matt Carthy

Proposal for a directive

Recital 7

Text proposed by the Commission

(7) A minimum Union standard of protection against ***certain manifestly*** unfair trading practices should be introduced to reduce the occurrence of such practices and to contribute to ensuring a fair standard of living for agricultural producers. It should benefit all agricultural producers or any natural or legal person that supplies food products, including producer organisations and associations of producer organisations, provided that ***all those persons meet the definition of micro, small and medium-sized enterprises set out in the Annex to Commission Recommendation 2003/361/EC¹²***. ***Those*** micro, small or medium suppliers are particularly vulnerable to unfair trading practices and least able to weather them without negative effects on their economic viability. As the financial pressure on small and medium-sized enterprises caused by unfair trading practices often passes through the chain and reaches agricultural producers, rules on unfair trading practices should also protect small and medium-sized intermediary suppliers at the stages downstream of primary production. Protection of intermediary suppliers should also avoid unintended consequences (notably in terms of unduly raising prices) of trade diversion away from agricultural producers and their associations, who produce processed products, to non-protected suppliers.

Amendment

(7) A minimum Union standard of protection against unfair trading practices should be introduced to reduce the occurrence of such practices and to contribute to ensuring a fair standard of living for agricultural producers ***inside and outside the Union***. It should benefit all agricultural producers or any natural or legal person that supplies food products, including producer organisations and associations of producer organisations, provided that ***they do not represent an enterprise consisting of over 500 employees***. Micro, small or medium suppliers are particularly vulnerable to unfair trading practices and least able to weather them without negative effects on their economic viability. As the financial pressure on small and medium-sized enterprises caused by unfair trading practices often passes through the chain and reaches agricultural producers, rules on unfair trading practices should also ***be enforceable at higher levels of the food chain to*** protect small and medium-sized intermediary suppliers at the stages downstream of primary production. Protection of intermediary suppliers should also avoid unintended consequences (notably in terms of unduly raising prices) of trade diversion away from agricultural producers and their associations, who produce processed products, to non-protected suppliers.

¹² OJ L 124, 20.5.2003, p. 36.

Amendment 81
Philippe Loiseau, Jacques Colombier

Proposal for a directive
Recital 7

Text proposed by the Commission

(7) A minimum Union standard of protection against ***certain*** manifestly unfair trading practices should be introduced to reduce the occurrence of such practices and to contribute to ensuring a fair standard of living for agricultural producers. It should benefit all agricultural producers or any natural or legal person that supplies food products, including producer organisations and associations of producer organisations, provided that all those persons meet the definition of ***micro, small and medium-sized enterprises set out in the Annex to Commission Recommendation 2003/361/EC¹²***. Those ***micro, small or medium suppliers*** are particularly vulnerable to unfair trading practices and least able to weather them without negative effects on their economic viability. As the financial pressure on ***small and medium-sized*** enterprises caused by unfair trading practices ***often*** passes through the chain and ***reaches*** agricultural producers, rules on unfair trading practices should also protect small and medium-sized intermediary suppliers at the stages downstream of primary production. Protection of intermediary suppliers should also avoid unintended consequences (notably in terms of unduly raising prices) of trade diversion away from agricultural producers and their associations, who produce processed products, to non-protected suppliers.

Amendment

(7) A minimum Union standard of protection against ***all*** manifestly unfair trading practices should be introduced to reduce the occurrence of such practices and to contribute to ensuring a fair standard of living for agricultural producers. It should benefit all agricultural producers or any natural or legal person that supplies food products, including producer organisations and associations of producer organisations, provided that all those persons meet the definition of ***agricultural producers or producer organisations***. ***These agricultural producers or producer organisations*** are particularly vulnerable to unfair trading practices and least able to weather them without negative effects on their economic viability. As the financial pressure on ***agricultural*** enterprises caused by unfair trading practices passes through the chain and ***affects the morale of*** agricultural producers, ***their health and their income***, rules on unfair trading practices should also protect small and medium-sized intermediary suppliers at the stages downstream of primary production. Protection of intermediary suppliers should also avoid unintended consequences (notably in terms of unduly raising prices) of trade diversion away from agricultural producers and their associations, who produce processed products, to non-protected suppliers.

¹² OJ L 124, 20.5.2003, p. 36.

Amendment 82

Maria Lidia Senra Rodríguez

Proposal for a directive

Recital 7

Text proposed by the Commission

(7) A minimum Union standard of protection against certain manifestly unfair trading practices should be introduced to reduce the occurrence of such practices **and** to contribute to ensuring a fair standard of living for agricultural producers. ***It should benefit all agricultural producers or any natural or legal person that supplies food products, including producer organisations and associations of producer organisations, provided that all those persons meet the definition of micro, small and medium-sized enterprises set out in the Annex to Commission Recommendation 2003/361/EC¹². Those micro, small or medium suppliers are particularly vulnerable to unfair trading practices and least able to weather them without negative effects on their economic viability.*** As the financial pressure on ***small and medium-sized*** enterprises caused by unfair trading practices often passes through the chain and reaches agricultural producers, rules on unfair trading practices should also protect ***small and medium-sized*** intermediary suppliers at the stages downstream of primary production. Protection of intermediary suppliers should also avoid unintended consequences (notably in terms of unduly raising prices) of trade diversion away from agricultural producers and their associations, who produce processed products, to non-protected suppliers.

Amendment

7. A minimum Union standard of protection against certain manifestly unfair trading practices should be introduced to reduce the occurrence of such practices, to contribute to ensuring a fair standard of living for agricultural producers ***and to take account of the particular nature of farming, given its social structure and the structural and natural disparities between farming regions. It should benefit all agricultural producers and any natural or legal person that supplies food products, including producer organisations and associations of producer organisations.*** As the financial pressure on enterprises caused by unfair trading practices often passes through the chain and reaches agricultural producers, rules on unfair trading practices should also protect intermediary suppliers at the stages downstream of primary production. Protection of intermediary suppliers should also avoid unintended consequences (notably in terms of unduly raising prices) of trade diversion away from agricultural producers and their associations, who produce processed products, to non-protected suppliers.

¹² OJ L 124, 20.5.2003, p. 36.

Or. es

Amendment 83

Mairead McGuinness, Annie Schreijer-Pierik, Sofia Ribeiro, Michel Dantin, Angélique Delahaye, Peter Jahr, Herbert Dorfmann, Nuno Melo

Proposal for a directive

Recital 7

Text proposed by the Commission

(7) A minimum Union standard of protection against certain manifestly unfair trading practices should be introduced to reduce the occurrence of such practices and to contribute to ensuring a fair standard of living for agricultural producers. It should benefit all agricultural producers or any natural or legal person that supplies food products, including producer organisations **and** associations of producer organisations, **provided that all those persons meet the definition of micro, small and medium-sized enterprises set out in the Annex to Commission Recommendation 2003/361/EC¹². Those micro, small or medium suppliers are particularly vulnerable to unfair trading practices and least able to weather them without negative effects on their economic viability.** As the financial pressure **on small and medium-sized enterprises** caused by unfair trading practices often passes through the chain and reaches agricultural producers, rules on unfair trading practices should also protect **small and medium-sized** intermediary suppliers at the stages downstream of primary production. Protection of intermediary suppliers should also avoid unintended consequences (notably in terms of unduly raising prices) of trade diversion away from agricultural producers and their associations, who produce processed products, **to non-protected suppliers.**

Amendment

(7) A minimum Union standard of protection against certain manifestly unfair trading practices should be introduced to reduce the occurrence of such practices and to contribute to ensuring a fair standard of living for agricultural producers. It should benefit all agricultural producers or any natural or legal person that supplies **agricultural and** food products, including producer organisations, associations of producer organisations **and cooperatives.** The financial pressure caused by unfair trading practices often passes through the chain and reaches agricultural producers **and therefore** rules on unfair trading practices should also protect intermediary suppliers at the stages downstream of primary production. Protection of intermediary suppliers should also avoid unintended consequences (notably in terms of unduly raising prices) of trade diversion away from agricultural producers and their associations, who produce processed products.

¹² OJ L 124, 20.5.2003, p. 36.

Amendment 84

Esther Herranz García, Ramón Luis Valcárcel Siso, Gabriel Mato, Pilar Ayuso

Proposal for a directive

Recital 7

Text proposed by the Commission

(7) A minimum Union standard of protection against certain manifestly unfair trading practices should be introduced to reduce the occurrence of such practices and to contribute to ensuring a fair standard of living for agricultural producers. It should benefit all agricultural producers or any natural or legal person that supplies food products, including producer organisations and associations of producer organisations, ***provided that all those persons meet the definition of micro, small and medium-sized enterprises set out in the Annex to Commission Recommendation 2003/361/EC¹². Those micro, small or medium suppliers are particularly vulnerable to unfair trading practices and least able to weather them without negative effects on their economic viability.*** As the financial pressure on ***small and medium-sized*** enterprises caused by unfair trading practices often passes through the chain and reaches agricultural producers, rules on unfair trading practices should also protect ***small and medium-sized*** intermediary suppliers at the stages downstream of primary production. Protection of intermediary suppliers should also avoid unintended consequences (notably in terms of unduly raising prices) of trade diversion away from agricultural producers and their associations, who produce processed products, to non-protected suppliers.

Amendment

(7) A minimum Union standard of protection against certain manifestly unfair trading practices should be introduced to reduce the occurrence of such practices and to contribute to ensuring a fair standard of living for agricultural producers. It should benefit all agricultural producers or any natural or legal person that supplies food products, including producer organisations and associations of producer organisations. As the financial pressure on enterprises caused by unfair trading practices often passes through the chain and reaches agricultural producers, rules on unfair trading practices should also protect intermediary suppliers at the stages downstream of primary production. Protection of intermediary suppliers should also avoid unintended consequences (notably in terms of unduly raising prices) of trade diversion away from agricultural producers and their associations, who produce processed products, to non-protected suppliers.

¹² OJ L 124, 20.5.2003, p. 36.

Or. en

Justification

This amendment prepares the ground for enlarging the scope to all operators regardless of the economic dimension.

Amendment 85

Maria Heubuch

on behalf of the Verts/ALE Group

Proposal for a directive

Recital 7

Text proposed by the Commission

(7) A minimum Union standard of protection against ***certain manifestly*** unfair trading practices should be introduced to reduce the occurrence of such practices ***and*** to contribute to ensuring a fair standard of living for agricultural producers. It should benefit all agricultural producers or any natural or legal person that supplies food products, including producer organisations and associations of producer organisations, ***provided that all those persons meet the definition of micro, small and medium-sized enterprises set out in the Annex to Commission Recommendation 2003/361/EC¹²***. Those micro, small or medium suppliers are particularly vulnerable to unfair trading practices and least able to weather them without negative effects on their economic viability. As the financial pressure on ***small and medium-sized*** enterprises caused by unfair trading practices often passes through the chain and reaches agricultural producers, rules on unfair trading practices should also protect ***small and medium-sized*** intermediary suppliers at the stages downstream of primary production. Protection of intermediary suppliers should also avoid unintended consequences (notably in terms

Amendment

(7) A minimum Union standard of protection against unfair trading practices should be introduced to reduce the occurrence of such practices, to contribute to ensuring a fair standard of living for agricultural producers ***inside and outside the Union, to prevent unsafe and unsustainable practices, precarious working conditions, and to reduce food safety risks and food waste along the food supply chain***. It should benefit all agricultural producers or any natural or legal person that supplies ***agricultural and*** food products, including producer organisations and associations of producer organisations. Micro, small or medium suppliers are particularly vulnerable to unfair trading practices and least able to weather them without negative effects on their economic viability. As the financial pressure on enterprises caused by unfair trading practices often passes through the chain and reaches agricultural producers, rules on unfair trading practices should also protect intermediary suppliers at the stages downstream of primary production. Protection of intermediary suppliers ***inside and outside the Union*** should also avoid unintended consequences (notably in terms of unduly raising prices) of trade diversion

of unduly raising prices) of trade diversion away from agricultural producers and their associations, who produce processed products, to non-protected suppliers.

away from agricultural producers and their associations, who produce processed products, to non-protected suppliers.

¹² OJ L 124, 20.5.2003, p. 36.

Or. en

Justification

Unfair trading practices are a driver of food waste, unsafe and unsustainable practices, precarious working conditions and a threat to the income of small-scale food producers and workers all along the food supply chain both in the European Union and around the world. Further, as protection is to be extended further downstream, it can be extended to suppliers in general.

Amendment 86 **Norbert Erdős**

Proposal for a directive **Recital 7**

Text proposed by the Commission

(7) A minimum Union standard of protection against certain manifestly unfair trading practices should be introduced to reduce the occurrence of such practices and to contribute to ensuring a fair standard of living for agricultural producers. It should benefit all agricultural producers or any natural or legal person that supplies food products, including producer organisations and associations of producer organisations, provided that all those persons meet the definition of micro, small and medium-sized enterprises set out in the Annex to Commission Recommendation 2003/361/EC¹². Those micro, small or medium suppliers are particularly vulnerable to unfair trading practices and least able to weather them without negative effects on their economic viability. As the financial pressure on small and medium-sized enterprises caused by unfair trading practices often passes through the chain and reaches agricultural producers, rules on

Amendment

(7) A minimum Union standard of protection against certain manifestly unfair trading practices should be introduced ***throughout the food supply chain and including all the operators involved in order*** to reduce the occurrence of such practices and to contribute to ensuring a fair standard of living for agricultural producers. It should benefit all agricultural producers or any natural or legal person that supplies food products, including producer organisations and associations of producer organisations, provided that all those persons meet the definition of micro, small and medium-sized enterprises set out in the Annex to Commission Recommendation 2003/361/EC¹². Those micro, small or medium suppliers are particularly vulnerable to unfair trading practices and least able to weather them without negative effects on their economic viability. As the financial pressure on small and medium-sized enterprises caused by

unfair trading practices should also protect small and medium-sized intermediary suppliers at the stages downstream of primary production. Protection of intermediary suppliers should also avoid unintended consequences (notably in terms of unduly raising prices) of trade diversion away from agricultural producers and their associations, who produce processed products, to non-protected suppliers.

¹² OJ L 124, 20.5.2003, p. 36.

unfair trading practices often passes through the chain and reaches agricultural producers, rules on unfair trading practices should also protect small and medium-sized intermediary suppliers at the stages downstream of primary production. Protection of intermediary suppliers should also avoid unintended consequences (notably in terms of unduly raising prices) of trade diversion away from agricultural producers and their associations, who produce processed products, to non-protected suppliers.

¹² OJ L 124, 20.5.2003, p. 36.

Or. hu

Amendment 87

Marijana Petir

Proposal for a directive

Recital 7

Text proposed by the Commission

(7) A minimum Union standard of protection against certain manifestly unfair trading practices should be introduced to reduce the occurrence of such practices and to contribute to ensuring a fair standard of living for agricultural producers. It should benefit all agricultural producers or any natural or legal person that supplies food products, including producer organisations and associations of producer organisations, provided that all those persons meet the definition of micro, small and medium-sized enterprises set out in the Annex to Commission Recommendation **2003/361/EC**¹². Those micro, small or medium suppliers are particularly vulnerable to unfair trading practices and least able to weather them without negative effects on their economic viability. As the financial pressure on small and medium-sized enterprises caused by unfair trading practices often passes through the chain

Amendment

(7) A minimum Union standard of protection against certain manifestly unfair trading practices should be introduced to reduce the occurrence of such practices and to contribute to ensuring a fair standard of living for agricultural producers. It should benefit all agricultural producers or any natural or legal person that supplies **agricultural or agricultural cooperatives**, producer organisations and associations of producer organisations, provided that all those persons meet the definition of micro, small and medium-sized enterprises set out in the Annex to Commission Recommendation **2003/361/EC**¹². Those micro, small or medium suppliers are particularly vulnerable to unfair trading practices and least able to weather them without negative effects on their economic viability. As the financial pressure on **family farms and** small and medium-sized enterprises caused

and reaches agricultural producers, rules on unfair trading practices should also protect small and medium-sized intermediary suppliers at the stages downstream of primary production. Protection of intermediary suppliers should also avoid unintended consequences (notably in terms of unduly raising prices) of trade diversion away from agricultural producers and their associations, who produce processed products, to non-protected suppliers.

¹² OJ L 124, 20.5.2003, p. 36.

by unfair trading practices often passes through the chain and reaches agricultural producers, rules on unfair trading practices should also protect small and medium-sized intermediary suppliers at the stages downstream of primary production. Protection of intermediary suppliers should also avoid unintended consequences (notably in terms of unduly raising prices) of trade diversion away from agricultural producers and their associations, who produce processed products, to non-protected suppliers.

¹² OJ L 124, 20.5.2003, p. 36.

Or. hr

Amendment 88

Maria Gabriela Zoană

Proposal for a directive

Recital 7

Text proposed by the Commission

(7) A minimum Union standard of protection against certain manifestly unfair trading practices should be introduced to reduce the occurrence of such practices and to contribute to ensuring a fair standard of living for agricultural producers. It should benefit all agricultural producers or any natural or legal person that supplies food products, including producer organisations and associations of producer organisations, provided that all those persons meet the definition of micro, small and medium-sized enterprises set out in the Annex to Commission Recommendation 2003/361/EC¹². Those micro, small or medium suppliers are particularly vulnerable to unfair trading practices and least able to weather them without negative effects on their economic viability. As the financial pressure on small and medium-sized enterprises caused by unfair trading practices often passes through the chain

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Amendment

(7) A minimum Union standard of protection against certain manifestly unfair trading practices should be introduced to reduce the occurrence of **all** such practices and to contribute to ensuring a fair standard of living for agricultural producers. It should benefit all agricultural producers or any natural or legal person that supplies food products, including producer organisations and associations of producer organisations, provided that all those persons meet the definition of micro, small and medium-sized enterprises set out in the Annex to Commission Recommendation 2003/361/EC¹². Those micro, small or medium suppliers are particularly vulnerable to unfair trading practices and least able to weather them without negative effects on their economic viability. As the financial pressure on small and medium-sized enterprises caused by unfair trading practices often passes through the chain

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and reaches agricultural producers, rules on unfair trading practices **should** also protect small and medium-sized intermediary suppliers at the stages downstream of primary production. Protection of intermediary suppliers should also avoid unintended consequences (notably in terms of unduly raising prices) of trade diversion away from agricultural producers and their associations, who produce processed products, to non-protected suppliers.

and reaches agricultural producers, rules on unfair trading practices **must** also protect small and medium-sized intermediary suppliers at the stages downstream of primary production. Protection of intermediary suppliers should also avoid unintended consequences (notably in terms of unduly raising prices) of trade diversion away from agricultural producers and their associations, who produce processed products, to non-protected suppliers.

¹² OJ L 124, 20.5.2003, p. 36.

Or. ro

Amendment 89
Michel Dantin

Proposal for a directive
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7 a) The provisions of this Directive should apply to all buyers, regardless of where they are established, if the products they buy are destined for the EU's agricultural and food supply chain. To strengthen the implementation and enforcement of the provisions of this Directive by operators established outside the EU, the Commission should include specific clauses in the Union's bilateral trade agreements with third countries.

Or. fr

Justification

The aim of this amendment is to include within the scope of application of this Directive those buyers which, though established outside the EU, buy and sell products in the EU market. To strengthen the implementation and enforcement of the provisions of this Directive, the Commission is called upon to include specific clauses in the EU's bilateral trade agreements with third countries.

Amendment 90

Esther Herranz García, Ramón Luis Valcárcel Siso, Gabriel Mato, Pilar Ayuso

Proposal for a directive

Recital 8

Text proposed by the Commission

Amendment

(8) *Suppliers established outside the Union should be able to rely on the Union minimum standard when they sell food products to buyers established in the Union to avoid unintended distorting effects resulting from the protection of suppliers in the Union.*

deleted

Or. en

Justification

Only suppliers established in the EU should be protected by Member States, as European suppliers are not protected in third countries.

Amendment 91

Maria Heubuch

on behalf of the Verts/ALE Group

Proposal for a directive

Recital 8

Text proposed by the Commission

Amendment

(8) Suppliers established outside the Union should be able to rely on the Union minimum standard when they sell food products to buyers *established in the Union* to avoid unintended distorting effects resulting from the protection of suppliers in the Union.

(8) *To ensure the EU meets its Treaty obligation of Policy Coherence for Development and its commitments under the Sustainable Development Goals, suppliers established outside the Union should be able to rely on the Union minimum standard when they sell **agricultural and** food products to buyers **marketing and placing those products on the EU market** to avoid unintended distorting effects resulting from the protection of suppliers in the Union.*

Or. en

Justification

The diminishing share of revenues reaching small scale food producers and workers in developing countries and the working conditions they face as a consequence of unfair trading practices undermine the Union's development policy and its objectives under the 2030 Agenda for Sustainable Development.

Amendment 92

Matt Carthy

Proposal for a directive

Recital 8

Text proposed by the Commission

(8) Suppliers established outside the Union should be able to rely on the Union minimum standard when they sell food products to buyers established in the Union to avoid unintended distorting effects resulting from the protection of suppliers in the Union.

Amendment

(8) Suppliers established outside the Union should be able to rely on the Union minimum standard when they sell food products to buyers established in the Union to avoid unintended distorting effects resulting from the protection of suppliers in the Union ***and to ensure Member States meet their responsibilities under the Sustainable Development Goals.***

Or. en

Amendment 93

Philippe Loiseau, Jacques Colombier, Angelo Ciocca, Mara Bizzotto

Proposal for a directive

Recital 8

Text proposed by the Commission

(8) Suppliers established outside the Union should be able to rely on the Union ***minimum*** standard when they sell food products to buyers established in the Union to avoid unintended distorting effects resulting from the protection of suppliers in the Union.

Amendment

(8) Suppliers established outside the Union should be able to rely on the Union ***standard, together with the (possibly stricter) standard of the Member State in which they would like to sell their products,*** when they sell food products to buyers established in the Union to avoid unintended distorting effects resulting from the protection of suppliers in the Union.

Or. fr

Amendment 94
Albert Deß, Peter Jahr

Proposal for a directive
Recital 9

Text proposed by the Commission

(9) *The relevant rules should apply to business conduct by larger, that is to say non-small and medium-sized, operators in the food supply chain as they are the ones who normally possess stronger relative bargaining power when trading with small and medium-sized suppliers.*

Amendment

deleted

Or. de

Amendment 95
Clara Eugenia Aguilera García

Proposal for a directive
Recital 9

Text proposed by the Commission

(9) The relevant rules should apply to business conduct *by larger, that is to say non-small and medium-sized*, operators in the *food* supply chain *as they are the ones who normally possess stronger relative bargaining power when trading with small and medium-sized suppliers.*

Amendment

9. The relevant rules should apply to *the* business conduct *of all business* operators in the *agri-food* supply chain.

Or. es

Amendment 96
Eric Andrieu, Karine Gloanec Maurin

Proposal for a directive
Recital 9

Text proposed by the Commission

(9) The relevant rules should apply to

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Amendment

(9) The relevant rules should apply to

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business conduct by ***larger, that is to say non-small and medium-sized***, operators in the food supply chain ***as they are the ones who normally possess stronger relative bargaining power when trading with small and medium-sized suppliers***.

business conduct by ***all buying*** operators in the food supply chain, ***regardless of their size***.

Or. fr

Justification

The scope of application of the directive should potentially include all buyers interacting with agricultural producers and producer organisations, regardless of the size of the buyer - contrary to what the Commission has proposed.

Amendment 97

Esther Herranz García, Ramón Luis Valcárcel Siso, Gabriel Mato, Pilar Ayuso

Proposal for a directive

Recital 9

Text proposed by the Commission

(9) The relevant rules should apply to business ***conduct by larger, that is to say non-small and medium-sized***, operators in the ***food*** supply chain ***as they are the ones who normally possess stronger relative bargaining power when trading with small and medium-sized suppliers***.

Amendment

(9) The relevant rules should apply to ***all*** business operators in the ***agri-food*** supply chain.

Or. en

Justification

This amendment prepares the ground for enlarging the scope to all operators regardless of the economic dimension.

Amendment 98

Maria Lidia Senra Rodríguez

Proposal for a directive

Recital 9

Text proposed by the Commission

(9) The relevant rules should apply to business conduct ***by larger, that is to say***
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Amendment

9. The relevant rules should apply to ***the*** business conduct ***of the*** operators in the
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non-small and medium-sized, operators in the food supply chain *as they are the ones who normally possess stronger relative bargaining power when trading with small and medium-sized suppliers*.

food supply chain.

Or. es

Amendment 99
Maria Gabriela Zoană

Proposal for a directive
Recital 9

Text proposed by the Commission

(9) The relevant rules *should* apply to *business conduct by larger, that is to say non-small and medium-sized, operators in the food supply chain as they are the ones who normally possess stronger relative bargaining power when trading with small and medium-sized suppliers*.

Amendment

(9) The relevant rules *must* apply to *all operators within the food supply chain, irrespective of their size or organisational structure. If, on the contrary, the rules apply to SMEs alone, this means that cooperatives or other types of association are excluded*.

Or. ro

Amendment 100
Angélique Delahaye

Proposal for a directive
Recital 9

Text proposed by the Commission

(9) The relevant rules should apply to business *conduct by larger, that is to say non-small and medium-sized*, operators in the food supply chain *as they are the ones who normally possess stronger relative bargaining power when trading with small and medium-sized suppliers*.

Amendment

(9) The relevant rules should apply to *all* business operators in the food supply chain.

Or. en

Amendment 101

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Herbert Dorfmann

Proposal for a directive

Recital 9

Text proposed by the Commission

(9) The relevant rules should apply to business conduct by **larger, that is to say non-small and medium-sized, operators in the** food supply chain as they are the ones who **normally** possess stronger relative bargaining power when trading with **small and medium-sized** suppliers.

Amendment

(9) The relevant rules should apply to business conduct by **buyers in the agricultural and** food supply chain as they are the ones who **often** possess stronger relative bargaining power when trading with suppliers.

Or. de

Amendment 102

Elsi Katainen, Ulrike Müller, Pavel Telička, Hilde Vautmans

Proposal for a directive

Recital 9

Text proposed by the Commission

(9) The relevant rules should apply to business conduct by larger, **that is to say non-small and medium-sized**, operators in the food supply chain as they are the ones who normally possess stronger relative bargaining power when trading with small and medium-sized suppliers.

Amendment

(9) The relevant rules should apply to business conduct by larger operators in the food supply chain as they are the ones who normally possess stronger relative bargaining power when trading with small and medium-sized suppliers.

Or. en

Amendment 103

Matt Carthy

Proposal for a directive

Recital 9

Text proposed by the Commission

(9) The relevant rules should apply to business conduct by larger, that is to say non-small **and medium-sized**, operators in the food supply chain as they are the ones

Amendment

(9) The relevant rules should apply to business conduct by larger, that is to say non-small, operators in the food supply chain as they are the ones who normally

who normally possess stronger relative bargaining power when trading *with small and medium-sized suppliers*.

possess stronger relative bargaining power when trading.

Or. en

Justification

It is important that a small producer has the ability to take a complaint against a medium sized producer. By limiting the wording to "a larger, that is to say non-small and medium-sized", this possibility is not accommodated for.

Amendment 104

Herbert Dorfmann, Paolo De Castro

Proposal for a directive

Recital 9

Text proposed by the Commission

(9) The relevant rules should apply to business conduct by larger, that is to say non-small and medium-sized, operators in the food supply chain as they are the ones who normally possess stronger relative bargaining power when trading with *small and medium-sized suppliers*.

Amendment

(9) The relevant rules should apply to business conduct by larger, that is to say non-small and medium-sized, operators in the food supply chain as they are the ones who normally possess stronger relative bargaining power when trading with *their suppliers. Those rules should not be to the detriment of the various social formations consisting of and governed by agricultural producers, the aim of which is to promote the agricultural and food products of their members under the best possible market conditions.*

Or. it

Amendment 105

Norbert Lins

Proposal for a directive

Recital 9

Text proposed by the Commission

(9) The relevant rules should apply to business conduct by larger, that is to say non-small and medium-sized, operators in

Amendment

(9) The relevant rules should apply to business conduct by larger, that is to say non-small and medium-sized, operators

the food supply chain as they are the ones who normally possess stronger relative bargaining power when trading with small and medium-sized suppliers.

and cooperatives in the food supply chain as they are the ones who normally possess stronger relative bargaining power when trading with small and medium-sized suppliers.

Or. de

Amendment 106

Maria Heubuch

on behalf of the Verts/ALE Group

Proposal for a directive

Recital 9

Text proposed by the Commission

(9) The relevant rules should apply to business conduct by larger, that is to say non-small and medium-sized, operators in the food supply chain as they are the ones who normally possess stronger relative bargaining power when trading with small and medium-sized suppliers.

Amendment

(9) The relevant rules should apply to business conduct by larger, that is to say non-small and medium-sized, operators in the *agricultural and* food supply chain as they are the ones who normally possess stronger relative bargaining power when trading with small and medium-sized suppliers.

Or. en

Amendment 107

Eric Andrieu, Karine Gloanec Maurin

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) As a majority of Member States already have national rules on unfair trading practices, albeit diverging, it is appropriate to use the tool of a Directive to introduce a minimum protection standard under Union law. This should enable Member States to integrate the relevant rules into their national legal order in such a way as to bring about a cohesive regime. ***Member States should not be precluded from adopting and applying on their***

Amendment

(10) As a majority of Member States already have national rules on unfair trading practices, albeit diverging, it is appropriate to use the tool of a Directive to introduce a minimum protection standard under Union law. This should enable Member States to integrate the relevant rules into their national legal order in such a way as to bring about a cohesive regime.

territory stricter national laws protecting small and medium-sized suppliers and buyers against unfair trading practices occurring in business-to-business relationships in the food supply chain, subject to the limits of Union law applicable to the functioning of the internal market.

Or. fr

Justification

This amendment is linked to the amendment on recital 9 on the scope of the directive: it should potentially apply to any buyer (regardless of its size) interacting with an agricultural producer or producer organisation.

Amendment 108
James Nicholson

Proposal for a directive
Recital 10

Text proposed by the Commission

(10) As a majority of Member States already have national rules on unfair trading practices, albeit diverging, it is appropriate to use the tool of a Directive to introduce a minimum protection standard under Union law. This should *enable* Member States *to integrate the relevant rules into their national legal order in such a way as to bring about a cohesive regime*. Member States should not be precluded from adopting and applying on their territory stricter national laws protecting small and medium-sized suppliers and buyers against unfair trading practices occurring in business-to-business relationships in the food supply chain, subject to the limits of Union law applicable to the functioning of the internal market.

Amendment

(10) As a majority of Member States already have national rules on unfair trading practices, albeit diverging, it is appropriate to use the tool of a Directive to introduce a minimum protection standard under Union law. This *directive however* should *not impair existing voluntary codes and/or rules and instruments, which function as useful and legitimate deterrents to Unfair Trading Practices in many* Member States. Member States should not be precluded from adopting and applying on their territory stricter national laws protecting small and medium-sized suppliers and buyers against unfair trading practices occurring in business-to-business relationships in the food supply chain, subject to the limits of Union law applicable to the functioning of the internal market.

Or. en

Amendment 109

Esther Herranz García, Ramón Luis Valcárcel Siso, Gabriel Mato, Pilar Ayuso

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) As a majority of Member States already have national rules on unfair trading practices, albeit diverging, it is appropriate to use the tool of a Directive to introduce a minimum protection standard under Union law. This should enable Member States to integrate the relevant rules into their national legal order in such a way as to bring about a cohesive regime. Member States should not be precluded from adopting and applying on their territory stricter national laws protecting **small and medium-sized** suppliers and buyers against unfair trading practices occurring in business-to-business relationships in the **food** supply chain, subject to the limits of Union law applicable to the functioning of the internal market.

Amendment

(10) As a majority of Member States already have national rules on unfair trading practices, albeit diverging, it is appropriate to use the tool of a Directive to introduce a minimum protection standard under Union law. This should enable Member States to integrate the relevant rules into their national legal order in such a way as to bring about a cohesive regime. Member States should not be precluded from adopting and applying on their territory stricter national laws protecting **all** suppliers and buyers **regardless of their economic dimension** against unfair trading practices occurring in business-to-business relationships in the **agri-food** supply chain, subject to the limits of Union law applicable to the functioning of the internal market.

Or. en

Justification

This amendment prepares the ground for enlarging the scope to all operators regardless of the economic dimension.

Amendment 110

Maria Gabriela Zoană

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) As a majority of Member States already have national rules on unfair trading practices, albeit diverging, it is appropriate to use the tool of a Directive to introduce a minimum protection standard under Union law. This should enable

Amendment

10. As a majority of Member States already have national rules on unfair trading practices, albeit diverging, it is appropriate to use the tool of a Directive to introduce a minimum protection standard under Union law. This should enable

Member States to integrate the relevant rules into their national legal order in such a way as to bring about a cohesive regime. Member States should not be precluded from adopting and applying on their territory stricter national laws protecting ***small and medium-sized*** suppliers and buyers against unfair trading practices occurring in business-to-business relationships in the food supply chain, subject to the limits of Union law applicable to the functioning of the internal market.

Member States to integrate the relevant rules into their national legal order in such a way as to bring about a cohesive regime. Member States should not be precluded from adopting and applying on their territory stricter national laws protecting ***all*** suppliers and buyers against unfair trading practices occurring in business-to-business relationships in the food supply chain, subject to the limits of Union law applicable to the functioning of the internal market.

Or. ro

Amendment 111 **Angélique Delahaye**

Proposal for a directive **Recital 10**

Text proposed by the Commission

(10) As a majority of Member States already have national rules on unfair trading practices, albeit diverging, it is appropriate to use the tool of a Directive to introduce a minimum protection standard under Union law. This should enable Member States to integrate the relevant rules into their national legal order in such a way as to bring about a cohesive regime. Member States should not be precluded from adopting and applying on their territory stricter national laws protecting ***small and medium-sized*** suppliers and buyers against unfair trading practices occurring in business-to-business relationships in the food supply chain, subject to the limits of Union law applicable to the functioning of the internal market.

Amendment

(10) As a majority of Member States already have national rules on unfair trading practices, albeit diverging, it is appropriate to use the tool of a Directive to introduce a minimum protection standard under Union law. This should enable Member States to integrate the relevant rules into their national legal order in such a way as to bring about a cohesive regime. Member States should not be precluded from adopting and applying on their territory stricter national laws protecting ***all*** suppliers and buyers ***regardless of their size*** against unfair trading practices occurring in business-to-business relationships in the food supply chain, subject to the limits of Union law applicable to the functioning of the internal market.

Or. en

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Matt Carthy

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) As a majority of Member States already have national rules on unfair trading practices, albeit diverging, it is appropriate to use the tool of a Directive to introduce a minimum protection standard under Union law. This should enable Member States to integrate the relevant rules into their national legal order in such a way as to bring about a cohesive regime. Member States should not be precluded from adopting and applying on their territory stricter national laws protecting ***small and medium-sized*** suppliers and buyers against unfair trading practices occurring in business-to-business relationships in the food supply chain, subject to the limits of Union law applicable to the functioning of the internal market.

Amendment

(10) As a majority of Member States already have national rules on unfair trading practices, albeit diverging, it is appropriate to use the tool of a Directive to introduce a minimum protection standard under Union law. This should enable Member States to integrate the relevant rules into their national legal order in such a way as to bring about a cohesive regime. Member States should not be precluded from adopting and applying on their territory stricter national laws protecting suppliers and buyers against unfair trading practices occurring in business-to-business relationships in the food supply chain, subject to the limits of Union law applicable to the functioning of the internal market.

Or. en

Amendment 113

Maria Lidia Senra Rodríguez

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) As a majority of Member States already have national rules on unfair trading practices, albeit diverging, it is appropriate to use the tool of a Directive to introduce a minimum protection standard under Union law. This should enable Member States to integrate the relevant rules into their national legal order in such a way as to bring about a cohesive regime. Member States should not be precluded from adopting and applying on their territory stricter national laws protecting

Amendment

10. As a majority of Member States already have national rules on unfair trading practices, albeit diverging, it is appropriate to use the tool of a Directive to introduce a minimum protection standard under Union law. This should enable Member States to integrate the relevant rules into their national legal order in such a way as to bring about a cohesive regime. Member States should not be precluded from adopting and applying on their territory stricter national laws protecting

small and medium-sized suppliers and buyers against unfair trading practices occurring in business-to-business relationships in the food supply chain, subject to the limits of Union law applicable to the functioning of the internal market.

suppliers and buyers against unfair trading practices occurring in business-to-business relationships in the food supply chain, subject to the limits of Union law applicable to the functioning of the internal market.

Or. es

Amendment 114

Philippe Loiseau, Jacques Colombar, Angelo Ciocca, Mara Bizzotto

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) As a majority of Member States already have national rules on unfair trading practices, albeit diverging, it is appropriate to use the tool of a Directive to introduce a minimum protection standard under Union law. This should enable Member States to integrate the relevant rules into their national legal order in such a way as to bring about a cohesive regime. Member States should not be precluded from adopting and applying on their territory stricter national laws protecting *small and medium-sized suppliers* and buyers against unfair trading practices occurring in business-to-business relationships in the food supply chain, subject to the limits of Union law applicable to the functioning of the internal market.

Amendment

(10) As a majority of Member States already have national rules on unfair trading practices, albeit diverging, it is appropriate to use the tool of a Directive to introduce a minimum protection standard under Union law. This should enable Member States to integrate the relevant rules into their national legal order in such a way as to bring about a cohesive regime. Member States should not be precluded from adopting and applying on their territory stricter national laws protecting *agricultural producers, producer organisations* and buyers against unfair trading practices occurring in business-to-business relationships in the food supply chain, subject to the limits of Union law applicable to the functioning of the internal market.

Or. fr

Amendment 115

Maria Heubuch

on behalf of the Verts/ALE Group

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) As a majority of Member States already have national rules on unfair trading practices, albeit diverging, it is appropriate to use the tool of a Directive to introduce a minimum protection standard under Union law. This should enable Member States to integrate the relevant rules into their national legal order in such a way as to bring about a cohesive regime. Member States should not be precluded from adopting and applying on their territory stricter national laws protecting small and medium-sized suppliers and buyers against unfair trading practices occurring in business-to-business relationships in the food supply chain, subject to the limits of Union law applicable to the functioning of the internal market.

Amendment

(10) As a majority of Member States already have national rules on unfair trading practices, albeit diverging, it is appropriate to use the tool of a Directive to introduce a minimum protection standard under Union law. This should enable Member States to integrate the relevant rules into their national legal order in such a way as to bring about a cohesive regime. Member States should not be precluded from adopting and applying on their territory stricter national laws protecting small and medium-sized suppliers and buyers against unfair trading practices occurring in business-to-business relationships in the ***agricultural and*** food supply chain, subject to the limits of Union law applicable to the functioning of the internal market.

Or. en

Amendment 116
Philippe Loiseau, Jacques Colombier

Proposal for a directive
Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) Given that national laws vary, the position of agricultural producers and producer organisations in the chain should be protected by giving them the possibility, in the event of a trade negotiation involving their agricultural products and an entity from another country, to choose the legal system that will give them the most favourable conditions.

Or. fr

Amendment 117

Paolo De Castro, Michel Dantin, Mairead McGuinness, Ricardo Serrão Santos, Marco Zullo

**Proposal for a directive
Recital 11**

Text proposed by the Commission

(11) As unfair trading practices may occur at any stage of the sale of **a** food product, i.e. before, during or after a sales transaction, Member States should ensure that the provisions of this Directive should apply to such practices whenever they occur.

Amendment

(11) As unfair trading practices may occur at any stage of the sale of **an agricultural and** food product, i.e. before, during or after a sales transaction, **or in connection with the provision of services related to that product by the buyer or group of buyers to the supplier**, Member States should ensure that the provisions of this Directive should apply to such practices whenever they occur.

Or. en

**Amendment 118
Herbert Dorfmann**

**Proposal for a directive
Recital 11**

Text proposed by the Commission

(11) As unfair trading practices may occur at any stage of the sale of **a** food product, i.e. before, during or after a sales transaction, Member States should ensure that the provisions of this Directive should apply to such practices whenever they occur.

Amendment

(11) As unfair trading practices may occur at any stage of the sale of **an agricultural or** food product, i.e. before, during or after a sales transaction, **or in connection with the provision of sales-related services by the buyer to the supplier**, Member States should ensure that the provisions of this Directive should apply to such practices whenever they occur.

Or. de

**Amendment 119
Mara Bizzotto, Angelo Ciocca, Jacques Colombier, Philippe Loiseau**

**Proposal for a directive
Recital 11**

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Text proposed by the Commission

(11) As unfair trading practices may occur at any stage of the sale of a food product, i.e. before, during or after a sales transaction, Member States should ensure that the provisions of this Directive should apply to such practices whenever they occur.

Amendment

(11) As unfair trading practices may occur at any stage of the sale of a food product, i.e. before, during or after a sales transaction, ***in relation to the provision of services by the buyer, or group of buyers, to the supplier***, Member States should ensure that the provisions of this Directive should apply to such practices whenever they occur.

Or. it

Amendment 120

Marco Zullo, Rosa D'Amato, Ignazio Corrao

Proposal for a directive

Recital 11

Text proposed by the Commission

(11) As unfair trading practices may occur at any stage of the sale of a food product, i.e. before, during or after a sales transaction, Member States should ensure that the provisions of this Directive should apply to such practices whenever they occur.

Amendment

(11) As unfair trading practices may occur at any stage of the sale of a food product, i.e. before, during or after a sales transaction, ***or in connection with the provision of services by the buyer to the supplier***, Member States should ensure that the provisions of this Directive should apply to such practices whenever they occur.

Or. en

Amendment 121

Maria Heubuch

on behalf of the Verts/ALE Group

Proposal for a directive

Recital 11

Text proposed by the Commission

(11) As unfair trading practices may occur at any stage of the sale of ***a*** food product, i.e. before, during or after a sales

Amendment

(11) As unfair trading practices may occur at any stage of the sale of ***an agricultural or*** food product, i.e. before,

transaction, Member States should ensure that the provisions of this Directive should apply to such practices whenever they occur.

during or after a sales transaction, Member States should ensure that the provisions of this Directive should apply to such practices whenever they occur.

Or. en

Amendment 122

Philippe Loiseau, Jacques Colombier

Proposal for a directive

Recital 12

Text proposed by the Commission

(12) When deciding whether an individual trading practice is considered unfair it is important to reduce the risk of limiting the use of fair and efficiency-creating agreements agreed between parties. ***As a result, it is appropriate to distinguish*** practices that ***are*** foreseen in clear and unambiguous terms in supply agreements between parties ***from*** practices that occur after the transaction has started without being agreed in advance in clear and unambiguous terms, ***so that only unilateral and retrospective changes to those relevant terms of the supply agreement*** are prohibited. However, certain trading practices are considered as unfair by their very nature and should not be subject to the parties' contractual freedom to deviate from them.

Amendment

(12) When deciding whether an individual trading practice is considered unfair it is important to reduce the risk of limiting the use of fair and efficiency-creating agreements agreed between parties. ***The Member States may, where relevant, establish a list of contentious but permitted*** practices that ***may be*** foreseen in clear and unambiguous terms in supply agreements between ***the*** parties. Practices that occur after the transaction has started without being agreed in advance in clear and unambiguous terms are prohibited. However, certain trading practices are considered as unfair by their very nature ***and legal classification***, and should not be subject to the parties' contractual freedom to deviate from them.

Or. fr

Amendment 123

Michel Dantin

Proposal for a directive

Recital 12

Text proposed by the Commission

(12) When deciding whether an individual trading practice is considered

Amendment

(12) When deciding whether an individual trading practice is considered

unfair it is important to reduce the risk of limiting the use of fair and efficiency-creating agreements agreed between parties. As a result, it is appropriate to distinguish practices that are foreseen in clear and unambiguous terms in supply agreements between parties *from* practices that occur after the transaction has started without being agreed in advance in clear and unambiguous terms, *so that only unilateral and retrospective changes to those relevant terms of the supply agreement are prohibited. However, certain trading practices are considered as unfair by their very nature and should not be subject to the parties' contractual freedom to deviate from them.*

unfair it is important to reduce the risk of limiting the use of fair and efficiency-creating agreements agreed between parties. As a result, it is appropriate to distinguish *trading* practices that are *unfair by their very nature and should not be left to the parties' contractual freedom from those that are* foreseen in clear and unambiguous terms in supply agreements between parties *and* practices that occur after the transaction has started without being agreed in advance in clear and unambiguous terms, *but which are not an attempt by the buyer to use the supplier's economic dependence on the buyer to force that supplier to accept its terms, so that only unilateral and retrospective changes to those relevant terms of the supply agreement are prohibited.*

Or. fr

Justification

The aim of this amendment is to clarify the differences between trading practices that are unfair by nature and those which could be considered permissible: those which are agreed in clear and unambiguous terms at the conclusion of the supply agreement, and those which are not the result of an abuse of the supplier's economic dependence on the buyer, which would put the buyer in a position to force the supplier to accept those terms.

Amendment 124

Maria Heubuch

on behalf of the Verts/ALE Group

Proposal for a directive

Recital 12

Text proposed by the Commission

(12) When deciding whether an individual trading practice is considered unfair it is important to reduce the risk of limiting the use of fair and efficiency-creating agreements agreed between parties. As a result, it is appropriate to distinguish practices that are foreseen in clear and unambiguous terms in supply agreements between parties from practices that occur after the transaction has started

Amendment

(12) When deciding whether an individual trading practice is considered unfair it is important to reduce the risk of limiting the use of fair and efficiency-creating agreements agreed between parties. As a result, it is appropriate to distinguish practices that are foreseen in clear and unambiguous terms in supply agreements between parties, *and which do not result from the unfair exercise of*

without being agreed in advance in clear and unambiguous terms, so that only unilateral *and retrospective* changes to those relevant terms of the supply agreement are prohibited. However, certain trading practices are considered as unfair by their very nature and should not be subject to the parties' contractual freedom to deviate from them.

bargaining power or from the exploitation of an economic dependence, from practices that occur after the transaction has started without being agreed in advance in clear and unambiguous terms, so that only unilateral changes to those relevant terms of the supply agreement are prohibited. However, certain trading practices are considered as unfair by their very nature and should not be subject to the parties' contractual freedom to deviate from them.

Or. en

Amendment 125
Clara Eugenia Aguilera García

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) When deciding whether an individual trading practice is considered unfair it is important to reduce the risk of limiting the use of fair and efficiency-creating agreements agreed between parties. As a result, it is appropriate to distinguish practices that are foreseen in clear and unambiguous terms in supply agreements between parties from practices that occur after the transaction has started without being agreed in advance in clear and unambiguous terms, so that only unilateral and retrospective changes to those relevant terms of the supply agreement are prohibited. However, certain trading practices are considered as unfair by their very nature and should not be subject to the parties' contractual freedom to deviate from them.

Amendment

12. When deciding whether an individual trading practice is considered unfair it is important to reduce the risk of limiting the use of fair and efficiency-creating agreements agreed between parties. As a result, it is appropriate to distinguish practices that are foreseen in clear and unambiguous terms in supply agreements between parties from practices that occur after the transaction has started without being agreed in advance in clear and unambiguous terms, so that only unilateral and retrospective changes to those relevant terms of the supply agreement are prohibited. However, certain trading practices are considered as unfair by their very nature and should not be subject to the parties' contractual freedom to deviate from them. ***Similarly, the level of suppliers' dependency on buyers should be a key factor when determining the effective freedom of agreement between the parties.***

Or. es

Amendment 126

Mairead McGuinness, Sofia Ribeiro, Marijana Petir, Michel Dantin, Angélique Delahaye, Peter Jahr, Herbert Dorfmann, Nuno Melo

Proposal for a directive

Recital 12

Text proposed by the Commission

(12) When deciding whether an individual trading practice is considered unfair it is important to reduce the risk of limiting the use of fair and efficiency-creating agreements agreed between parties. As a result, it is appropriate to distinguish practices that are foreseen in clear and unambiguous terms in supply agreements between parties from practices that occur after the transaction has started without being agreed in advance in clear and unambiguous terms, so that only unilateral and retrospective changes to those relevant terms of the supply agreement are prohibited. However, certain trading practices are considered as unfair by their very nature and should not be subject to the parties' contractual freedom to deviate from them.

Amendment

(12) When deciding whether an individual trading practice is considered unfair it is important to reduce the risk of limiting the use of fair and efficiency-creating agreements agreed between parties. As a result, it is appropriate to distinguish practices that are foreseen in clear and unambiguous terms in supply agreements between parties from practices that occur after the transaction has started without being agreed in advance in clear and unambiguous terms, so that only unilateral and retrospective changes to those relevant terms of the supply agreement are prohibited. However, certain trading practices are considered as unfair by their very nature and should not be subject to the parties' contractual freedom to deviate from them. ***In addition, suppliers should not be put under duress when agreeing to a supply agreement.***

Or. en

Amendment 127

Laurențiu Rebegea

Proposal for a directive

Recital 12

Text proposed by the Commission

(12) When deciding whether an individual trading practice is considered unfair it is important to reduce the risk of limiting the use of fair and efficiency-creating agreements agreed between parties. As a result, it is appropriate to

Amendment

(12) When deciding whether an individual trading practice is considered unfair it is important to reduce the risk of limiting the use of fair and efficiency-creating agreements agreed between parties. As a result, it is appropriate to

distinguish practices that are foreseen in clear and unambiguous terms in supply agreements between parties from practices that occur after the transaction has started without being agreed in advance in clear and unambiguous terms, so that only unilateral and retrospective changes to those relevant terms of the supply agreement are prohibited. However, certain trading practices are considered as unfair by their very nature and should not be subject to the parties' contractual freedom to deviate from them.

distinguish practices that are foreseen in clear and unambiguous terms in supply agreements between parties from practices that occur after the transaction has started without being agreed in advance in clear and unambiguous terms, so that, *in particular*, only unilateral and retrospective changes to those relevant terms of the supply agreement are prohibited. However, certain trading practices are considered as unfair by their very nature and should not be subject to the parties' contractual freedom to deviate from them.

Or. ro

Amendment 128
Norbert Erdős

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) When deciding whether an individual trading practice is considered unfair it is important to reduce the risk of limiting the use of fair and efficiency-creating agreements agreed between parties. As a result, it is appropriate to distinguish practices that are foreseen in clear and unambiguous terms in supply agreements between parties from practices that occur after the transaction has started without being agreed in advance in clear and unambiguous terms, so that only unilateral *and* retrospective changes to those relevant terms of the supply agreement are prohibited. However, certain trading practices are considered as unfair by their very nature and should not be subject to the parties' contractual freedom to deviate from them.

Amendment

(12) When deciding whether an individual trading practice is considered unfair it is important to reduce the risk of limiting the use of fair and efficiency-creating agreements agreed between parties. As a result, it is appropriate to distinguish practices that are foreseen in clear and unambiguous terms in supply agreements between parties from practices that occur after the transaction has started without being agreed in advance in clear and unambiguous terms, so that only unilateral, *possibly* retrospective changes to those relevant terms of the supply agreement are prohibited. However, certain trading practices are considered as unfair by their very nature and should not be subject to the parties' contractual freedom to deviate from them.

Or. hu

Amendment 129
Annie Schreijer-Pierik

Proposal for a directive
Recital 12 a (new)

Text proposed by the Commission

Amendment

(12 a) The use of written contracts in the agricultural and food supply chain may help to reinforce the responsibility of operators and avoid certain unfair commercial practices, as well as to increase the awareness of the need to better take into account the signals of the market, to improve price transmission and to adapt supply to demand. In order to incentivise the use of such contracts suppliers, or their associations, should have the right to request a written contract. However, in order to guarantee a level playing field within the European Union, individual Member States may not decide the use of written contracts to be mandatory.

Or. en

Amendment 130
Elsi Katainen, Ulrike Müller, Pavel Telička, Fredrick Federley, Jasenko Selimovic, Hilde Vautmans

Proposal for a directive
Recital 12 a (new)

Text proposed by the Commission

Amendment

(12 a) A supplier should be able to require that their trading arrangement with the buyer in agricultural and food chain such as delivery of products be subject to a written contract with all the relevant aspects of the trading arrangement including elements according to Articles 148(1a) and 168(1a) of Regulation No (EU) 1308/2013.

Or. en

Justification

To secure fair functioning of the food chain it is important to ensure that a supplier may require a written contract based on already adopted regulation, but also to maintain the flexibility for Member States to allow contracts according to their national law.

Amendment 131

Eric Andrieu, Karine Gloanec Maurin

Proposal for a directive

Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) Grapes and musts for wine production are covered by the definition of a perishable foodstuff and fall within the scope of the Directive. However, these grapes are to be processed, and transactions on the final product occur much later - often several years after the first transaction. In such circumstances, it should be made possible for interprofessional agreements to derogate from the perishable foodstuffs payment deadlines for for these grapes.

Or. fr

Justification

Les raisins et les moûts destinés à l'élaboration de vins sont des produits périssables destinés à la transformation et non pas à la mise à la consommation. La commercialisation de ces produits peut intervenir plusieurs années après l'achat de raisins. C'est pourquoi la mise en place de modalités de paiements dérogatoires pour l'achat de raisins destinés à l'élaboration des vins est indispensable pour garantir une juste rémunération aux vignerons et maintenir l'équilibre dans la trésorerie des acheteurs. Cet amendement vise donc à préciser que les délais de paiement concernant les raisins destinés à l'élaboration de vins peuvent être modifiés par voie d'accord interprofessionnel étendu.

Amendment 132

Eric Andrieu, Karine Gloanec Maurin

Proposal for a directive

Recital 12 b (new)

Text proposed by the Commission

Amendment

(12b) Grapes and musts for wine production are covered by the definition of a perishable foodstuff and fall within the scope of the Directive. However, these grapes are to be processed, and transactions on the final product occur much later - often several years after the first transaction. Having regard to that fact, the definition of a foodstuff should be clarified further to exclude grapes for winemaking from the scope of the Directive.

Or. fr

Justification

Grapes and musts for wine production are perishable products intended for processing and not for direct consumption. The marketing of these products can take place several years after the grapes are purchased. For that reason, the definition of a perishable foodstuff, as proposed by the Commission, should be clarified further to exclude grapes for winemaking from the scope of the Directive.

Amendment 133

Paolo De Castro, Clara Eugenia Aguilera García, Nicola Caputo, Ricardo Serrão Santos, Marc Tarabella, Marco Zullo

**Proposal for a directive
Recital 12 a (new)**

Text proposed by the Commission

Amendment

(12 a) Nutrition labelling schemes unilaterally imposed by buyers on suppliers, which do not provide the consumers with comprehensive information, may discriminate between producers and mislead consumers in their choice of products. The imposition of such schemes may be considered as falling under the definition of unfair trading practice.

Or. en

**Amendment 134
Norbert Erdős**

**Proposal for a directive
Recital 12 a (new)**

Text proposed by the Commission

Amendment

(12 a) The practice of being able to amend contracts must be established. If it can be substantiated that a contracting party is in a critical situation for external market reasons, deviation from the terms of the contract is permissible by mutual agreement. The parameters and conditions governing any deviation from the terms of the contract must be recorded in the contract. However, because of sudden, unforeseeable changes in the market, the procedure for dealing with instances of vis major also needs to be determined.

Or. hu

**Amendment 135
Norbert Erdős**

**Proposal for a directive
Recital 12 b (new)**

Text proposed by the Commission

Amendment

(12 b) The Member States must draw up common model contracts. These would help market operators to determine the requisite contractual frameworks.

Or. hu

**Amendment 136
Nicola Caputo**

**Proposal for a directive
Recital 13**

Text proposed by the Commission

Amendment

(13) In order to ensure an effective

(13) In order to ensure an effective

enforcement of the prohibitions laid down in this Directive, Member States should designate an authority that is entrusted with their enforcement. The authority should be able to act either on its own initiative or by way of complaints by parties affected by unfair trading practices in the food supply chain. ***Where a complainant requests that his identity remain confidential because of fear of retaliation, the enforcement authorities of the Member States should honour such a request.***

enforcement of the prohibitions laid down in this Directive, Member States should designate an authority that is entrusted with their enforcement. The authority should be able to act either on its own initiative or by way of complaints by parties affected by unfair trading practices in the ***agricultural and*** food supply chain. ***Whenever a complaint is logged the enforcement authority of the Member States shall, because of the fear of retaliation, guarantee that the complainant's identity remains anonymous.***

Or. en

Amendment 137

Esther Herranz García, Ramón Luis Valcárcel Siso, Gabriel Mato, Pilar Ayuso

Proposal for a directive Recital 13

Text proposed by the Commission

(13) In order to ensure an effective enforcement of the prohibitions laid down in this Directive, Member States should designate an authority that is entrusted with their enforcement. The authority should be able to act either on its own initiative or by way of complaints by parties affected by unfair trading practices in the ***food*** supply chain. ***Where a complainant requests that his identity remain confidential because of fear of retaliation, the enforcement authorities of the Member States should honour such a request.***

Amendment

(13) In order to ensure an effective enforcement of the prohibitions laid down in this Directive, Member States should designate an authority that is entrusted with their enforcement. The authority should be able to act either on its own initiative or by way of complaints by parties affected by unfair trading practices in the ***agri-food*** supply chain. ***Whenever a complaint is logged the enforcement authority of the Member States should guarantee that the complainant's identity remains anonymous.***

Or. en

Justification

This amendment guarantees anonymity of complaints.

Amendment 138

Elsi Katainen, Ulrike Müller, Pavel Telička, Fredrick Federley, Jan Huitema, Hilde Vautmans

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) In order to ensure an effective enforcement of the prohibitions laid down in this Directive, Member States should designate an authority that is entrusted with their enforcement. The authority should be able to act either on its own initiative or by way of complaints by parties affected by unfair trading practices in the food supply chain. Where a complainant requests that his identity remain confidential because of fear of retaliation, the enforcement authorities of the Member States should honour such a request.

Amendment

(13) In order to ensure an effective enforcement of the prohibitions laid down in this Directive, Member States should designate an authority that is entrusted with their enforcement. The authority should be able to act either on its own initiative or by way of complaints by parties affected by unfair trading practices in the **agriculture and** food supply chain. Where a complainant requests that his identity remain confidential because of fear of retaliation, the enforcement authorities of the Member States should honour such a request **in accordance with national law**.

Or. en

Justification

As regards the anonymous complaints, the national rules concerning transparency of trials and legal proceedings need to be taken into account.

Amendment 139

Mairead McGuinness, Sofia Ribeiro, Michel Dantin, Angélique Delahaye, Peter Jahr, Herbert Dorfmann, Nuno Melo

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) In order to ensure an effective enforcement of the prohibitions laid down in this Directive, Member States should designate an authority that is entrusted with their enforcement. The authority should be able to act either on its own initiative or by way of complaints by parties affected by unfair trading practices in the food supply chain. Where a complainant requests that his identity remain confidential because of fear of retaliation, the enforcement authorities of the Member States should

Amendment

(13) In order to ensure an effective enforcement of the prohibitions laid down in this Directive, Member States should designate an authority that is entrusted with their enforcement. The authority should be able to act either on its own initiative or by way of complaints by parties affected by unfair trading practices in the **agricultural and** food supply chain. Where a complainant requests that his identity remain confidential because of fear of retaliation, the enforcement authorities of

honour such a request.

the Member States should ***guarantee the complainant's anonymity.***

Or. en

Amendment 140
Marijana Petir

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) In order to ensure an effective enforcement of the prohibitions laid down in this Directive, Member States should designate an authority that is entrusted with their enforcement. The authority should be able to act either on its own initiative or by way of complaints by parties affected by unfair trading practices in the food supply chain. Where a complainant requests that his identity remain confidential because of fear of retaliation, the enforcement authorities of the Member States ***should*** honour such a request.

Amendment

(13) In order to ensure an effective enforcement of the prohibitions laid down in this Directive, Member States should designate an authority that is entrusted with their enforcement. The authority should be able to act either on its own initiative or by way of complaints by parties affected by unfair trading practices in the food supply chain. Where a complainant requests that his identity remain confidential because of fear of retaliation, the enforcement authorities of the Member States ***must*** honour such a request.

Or. hr

Amendment 141
Philippe Loiseau, Jacques Colombier

Proposal for a directive
Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) When an unfair practice is carried out in a State other than the one in which the farmer or producer organisation conducts their business, the complaint may still be lodged with the authority in the complainant's country.

Or. fr

Amendment 142

Elsi Katainen, Ulrike Müller, Pavel Telička, Fredrick Federley, Jasenko Selimovic, Jan Huitema, Hilde Vautmans, Jean Arthuis

Proposal for a directive

Recital 13 a (new)

Text proposed by the Commission

Amendment

(13 a) In order to ensure an effective enforcement of the prohibition of unfair trading practices, the designated enforcement authorities should dispose of all necessary resources, staff and expertise.

Or. en

Amendment 143

Matt Carthy

Proposal for a directive

Recital 14

Text proposed by the Commission

Amendment

(14) Complaints by producer organisations or associations of such organisations can serve to protect the identity of individual members of the organisation who are ***small and medium-sized*** suppliers and consider themselves exposed to unfair trading practices. Enforcement authorities of the Member States should therefore be able to accept and act upon complaints by such entities while protecting the procedural rights of the defendant.

(14) Complaints by producer organisations or associations of such organisations ***or organisations with knowledge of trading practices in supply chains*** can serve to protect the identity of individual members of the organisation who are suppliers and consider themselves exposed to ***reprisals if they complain of*** unfair trading practices. Enforcement authorities of the Member States should therefore be able to accept and act upon complaints by such entities while protecting the procedural rights of the defendant.

Or. en

Amendment 144

Marco Zullo, Rosa D'Amato, Ignazio Corrao

Proposal for a directive

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Recital 14

Text proposed by the Commission

(14) Complaints by producer organisations or associations of such organisations can serve to protect the identity of individual members of the organisation who are small and medium-sized suppliers and consider themselves exposed to unfair trading practices. Enforcement authorities of the Member States should therefore be able to accept and act upon complaints by such entities while protecting the procedural rights of the defendant.

Amendment

(14) Complaints by producer organisations or associations of such organisations ***or organizations with knowledge of trading practices in the supply chain*** can serve to protect the identity of individual members of the organisation who are small and medium-sized suppliers and consider themselves exposed to unfair trading practices. Enforcement authorities of the Member States should therefore be able to accept and act upon complaints by such entities while protecting the procedural rights of the defendant.

Or. en

Amendment 145

Maria Heubuch

on behalf of the Verts/ALE Group

Proposal for a directive

Recital 14

Text proposed by the Commission

(14) Complaints by producer organisations or associations of such organisations can serve to protect the identity of individual members of the organisation who are small and medium-sized suppliers and consider themselves exposed to unfair trading practices. Enforcement authorities of the Member States should therefore be able to accept and act upon complaints by such entities while protecting the procedural rights of the defendant.

Amendment

(14) Complaints by producer organisations or associations of such organisations, ***as well as by organisations working with producers or with a proven expertise on trading practices in food supply chains, including non-governmental and civil society organisations***, can serve to protect the identity of individual members of the organisation who are small and medium-sized suppliers and consider themselves exposed to unfair trading practices. Enforcement authorities of the Member States should therefore be able to accept and act upon complaints by such entities while protecting the procedural rights of the defendant.

Or. en

Justification

The amendment aims at extending to representative associations the right to lodge a complaint on behalf of one or more of their members, as most of the individual suppliers do not have the means to proceed autonomously.

Amendment 146

Maria Lidia Senra Rodríguez

Proposal for a directive

Recital 14

Text proposed by the Commission

(14) Complaints by producer organisations *or* associations of such organisations can serve to protect the identity of individual members of the organisation who are ***small and medium-sized*** suppliers and consider themselves exposed to unfair trading practices. Enforcement authorities of the Member States should therefore be able to accept and act upon complaints by such entities while protecting the procedural rights of the defendant.

Amendment

14. Complaints by producer organisations, associations of such organisations *or farmers' organisations* ***and*** can serve to protect the identity of individual members of the organisation who are suppliers and consider themselves exposed to unfair trading practices. Enforcement authorities of the Member States should therefore be able to accept and act upon complaints by such entities while protecting the procedural rights of the defendant.

Or. es

Amendment 147

Albert Deß, Peter Jahr

Proposal for a directive

Recital 14

Text proposed by the Commission

(14) Complaints by producer organisations or associations of such organisations can serve to protect the identity of individual members of the organisation ***who are small and medium-sized suppliers*** and consider themselves exposed to unfair trading practices. Enforcement authorities of the Member States should therefore be able to accept and act upon complaints by such entities

Amendment

(14) Complaints by producer organisations or associations of such organisations can serve to protect the identity of individual members of the organisation and consider themselves exposed to unfair trading practices. Enforcement authorities of the Member States should therefore be able to accept and act upon complaints by such entities while protecting the procedural rights of

while protecting the procedural rights of the defendant.

the defendant.

Or. de

Amendment 148
Angélique Delahaye

Proposal for a directive
Recital 14

Text proposed by the Commission

(14) Complaints by producer organisations or associations of such organisations can serve to protect the identity of individual members of the organisation who ***are small and medium-sized suppliers and*** consider themselves exposed to unfair trading practices. Enforcement authorities of the Member States should therefore be able to accept and act upon complaints by such entities while protecting the procedural rights of the defendant.

Amendment

(14) Complaints by producer organisations or associations of such organisations can serve to protect the identity of individual members of the organisation who consider themselves exposed to unfair trading practices. Enforcement authorities of the Member States should therefore be able to accept and act upon complaints by such entities while protecting the procedural rights of the defendant.

Or. en

Amendment 149
Paolo De Castro, Nicola Caputo, Michel Dantin, Mairead McGuinness, Ricardo Serrão Santos, Marc Tarabella, Marco Zullo

Proposal for a directive
Recital 14

Text proposed by the Commission

(14) Complaints by producer organisations or associations of such organisations can serve to protect the identity of individual members of the organisation who are small and medium-sized suppliers and consider themselves exposed to unfair trading practices. Enforcement authorities of the Member States should therefore be able to accept and act upon complaints by such entities

Amendment

(14) Complaints by producer ***or supplier*** organisations or associations of such organisations, ***including representative organizations,*** can serve to protect the identity of individual members of the organisation who are small and medium-sized suppliers and consider themselves exposed to unfair trading practices. Enforcement authorities of the Member States should therefore be able to accept

while protecting the procedural rights of the defendant.

and act upon complaints by such entities while protecting the procedural rights of the defendant.

Or. en

Amendment 150

Norbert Lins

Proposal for a directive

Recital 14

Text proposed by the Commission

(14) Complaints by producer organisations or associations of such organisations can serve to protect the identity of individual members of the organisation who are small and medium-sized suppliers and consider themselves exposed to unfair trading practices. Enforcement authorities of the Member States should therefore be able to accept and act upon complaints by such entities while protecting the procedural rights of the defendant.

Amendment

(14) Complaints by producer organisations or associations of such organisations can serve to protect the identity of individual members of the organisation who are small and medium-sized suppliers *and cooperatives* and consider themselves exposed to unfair trading practices. Enforcement authorities of the Member States should therefore be able to accept and act upon complaints by such entities while protecting the procedural rights of the defendant.

Or. de

Amendment 151

Marijana Petir

Proposal for a directive

Recital 14

Text proposed by the Commission

(14) Complaints by producer organisations or associations of such organisations can serve to protect the identity of individual members of the organisation who are small and medium-sized suppliers and consider themselves exposed to unfair trading practices. Enforcement authorities of the Member States should therefore be able to accept and act upon complaints by such entities

Amendment

(14) Complaints by producer organisations or associations of such organisations can serve to protect the identity of individual members of the organisation *or of family farms*, who are small and medium-sized suppliers and consider themselves exposed to unfair trading practices. Enforcement authorities of the Member States should therefore be able to accept and act upon complaints by

while protecting the procedural rights of the defendant.

such entities while protecting the procedural rights of the defendant.

Or. hr

Amendment 152

Philippe Loiseau, Jacques Colombier

Proposal for a directive

Recital 14

Text proposed by the Commission

(14) Complaints by producer organisations or associations of such organisations can serve to protect the identity of individual members of the organisation who are small and medium-sized suppliers and consider themselves exposed to unfair trading practices. Enforcement authorities of the Member States should therefore be able to accept and act upon complaints by such entities while protecting the procedural rights of the defendant.

Amendment

(14) Complaints by producer organisations or associations of such organisations can serve to protect the identity of individual members of the organisation who are small and medium-sized suppliers and consider themselves exposed to unfair trading practices. Enforcement authorities of the Member States should therefore be able to accept and act upon complaints by such entities while protecting the procedural rights of the defendant. ***Any damages paid at the end of such procedures shall go to the member who initiated the complaint.***

Or. fr

Amendment 153

James Nicholson

Proposal for a directive

Recital 14

Text proposed by the Commission

(14) Complaints by producer organisations or associations of such organisations can serve to protect the identity of individual members of the organisation who are small and medium-sized suppliers and consider themselves exposed to unfair trading practices. Enforcement authorities of the Member States should therefore be able to accept

Amendment

(14) Complaints by producer organisations or associations of such organisations can serve to protect the identity of individual members of the organisation who are small and medium-sized suppliers and consider themselves exposed to ***reprisals if they report*** unfair trading practices. Enforcement authorities of the Member States should therefore be

and act upon complaints by such entities while protecting the procedural rights of the defendant.

able to accept and act upon complaints by such entities while protecting the procedural rights of the defendant.

Or. en

Amendment 154
Anthea McIntyre

Proposal for a directive
Recital 14 a (new)

Text proposed by the Commission

Amendment

(14 a) Special attention should be paid to the protection of the identity of complainants and other victims of practices if the authority pursues the obligation under Article 6(e) of the Directive.

Or. en

Amendment 155
Norbert Erdős

Proposal for a directive
Recital 15

Text proposed by the Commission

Amendment

(15) The enforcement authorities of the Member States should have the necessary powers that enable them to effectively gather any factual information by way of information requests. They should have the power to order the termination of a prohibited practice, where applicable. The existence of a deterrent, such as the power to impose fines and the publication of investigation results, can encourage behavioural change and pre-litigation solutions between the parties and should therefore be part of the powers of the enforcement authorities. The Commission and the enforcement authorities of the Member States should cooperate closely so

(15) The enforcement authorities of the Member States should have the necessary powers that enable them to effectively gather any factual information by way of information requests. They should have the power to order the termination of a prohibited practice, where applicable. The existence of a deterrent, such as the power to impose fines and the publication of investigation results, can encourage behavioural change and pre-litigation solutions between the parties and should therefore be part of the powers of the enforcement authorities. The Commission and the enforcement authorities of the Member States should cooperate closely so

as to ensure a common approach with respect to the application of the rules set out in this Directive. In particular, the enforcement authorities should provide each other mutual assistance, for example by sharing information and assisting in investigations which have a cross-border dimension.

as to ensure a common approach with respect to the application of the rules set out in this Directive. In particular, the enforcement authorities should provide each other mutual assistance, for example by sharing information and assisting in investigations which have a cross-border dimension. ***There is a need for joint EU-level recording and regular publication on a public website of market operators which employ unfair trading practices, as well as of investigation results.***

Or. hu

Amendment 156

Tom Vandenkendelaere

Proposal for a directive

Recital 15

Text proposed by the Commission

(15) The enforcement authorities of the Member States should have the necessary powers that enable them to effectively gather any factual information by way of information requests. They should have the power to order the termination of a prohibited practice, where applicable. ***The existence of a deterrent, such as the power to impose fines and the publication of investigation results, can encourage behavioural change and pre-litigation solutions between the parties and should therefore be part of the powers of the enforcement authorities.*** The Commission and the enforcement authorities of the Member States should cooperate closely so as to ensure a common approach with respect to the application of the rules set out in this Directive. In particular, the enforcement authorities should provide each other mutual assistance, for example by sharing information and assisting in investigations which have a cross-border dimension.

Amendment

(15) The enforcement authorities of the Member States should have the necessary powers that enable them to effectively gather any factual information by way of information requests. They should have the power to order the termination of a prohibited practice, where applicable. ***Enforcement authorities should also have the power to initiate, on their own initiative or at the request of one of the parties, a rapid conciliation procedure with a predetermined maximum duration and to apply a deterrent penalty, such as imposing a fine and publishing findings from investigations, as this could promote behavioural change and pre-litigation solutions and avoid possible reputational damage.*** The Commission and the enforcement authorities of the Member States should cooperate closely so as to ensure a common approach with respect to the application of the rules set out in this Directive. In particular, the enforcement authorities should provide each other mutual assistance, for example by sharing information and assisting in investigations

which have a cross-border dimension.

Or. nl

Amendment 157

Paolo De Castro, Clara Eugenia Aguilera García, Nicola Caputo, Michel Dantin, Mairead McGuinness, Ricardo Serrão Santos, Marc Tarabella, Marco Zullo

Proposal for a directive

Recital 15

Text proposed by the Commission

(15) The enforcement authorities of the Member States should have the necessary powers that enable them to effectively gather any factual information by way of information requests. They should ***have the power to order the termination of*** a prohibited practice, where applicable. The existence of a deterrent, such as the power to impose fines and the publication of investigation results, can encourage behavioural change and pre-litigation solutions between the parties and should therefore be part of the powers of the enforcement authorities. The Commission and the enforcement authorities of the Member States should cooperate closely so as to ensure a common approach with respect to the application of the rules set out in this Directive. In particular, the enforcement authorities should provide each other mutual assistance, for example by sharing information and assisting in investigations which have a cross-border dimension.

Amendment

(15) The enforcement authorities of the Member States should have the necessary powers that enable them to effectively gather any factual information by way of information requests. They should ***be impartial bodies with no conflicts of interest with operators in the agricultural and food supply chain and have an in depth knowledge of the functioning of the chain. They should guarantee the fair and proper functioning of the agricultural and food supply chain and promptly terminate*** a prohibited practice, where applicable. The existence of a deterrent, such as the power to impose fines ***and other equally effective sanctions*** and the publication of investigation results, can encourage behavioural change and pre-litigation solutions between the parties and should therefore be part of the powers of the enforcement authorities. ***Repeated infringements should be taken into account when determining the sanction to be applied.*** The Commission and the enforcement authorities of the Member States should cooperate closely so as to ensure a common approach with respect to the application of the rules set out in this Directive. In particular, the enforcement authorities should provide each other mutual assistance, for example by sharing ***all relevant*** information and assisting in investigations which have a cross-border dimension.

Amendment 158

Marc Tarabella, Clara Eugenia Aguilera García, Tibor Szanyi, Nicola Caputo, Karine Gloanec Maurin, Momchil Nekov

Proposal for a directive**Recital 15***Text proposed by the Commission*

(15) The enforcement authorities of the Member States should have the necessary powers that enable them to ***effectively gather any factual information by way of information requests***. They should have the power to order the termination of a prohibited practice, where applicable. The existence of a deterrent, such as the power to impose fines and the publication of investigation results, can encourage behavioural change and pre-litigation solutions between the parties and should therefore be part of the powers of the enforcement authorities. ***The Commission and the enforcement authorities of the Member States should cooperate closely*** so as to ensure a common approach with respect to the application of the rules set out in this Directive. ***In particular, the enforcement authorities should provide each other mutual assistance, for example by sharing information and assisting in investigations which have a cross-border dimension.***

Amendment

(15) The enforcement authorities of the Member States should have the necessary powers that enable them to ***perform their duties***. They should have the power to order the termination of a prohibited practice, where applicable. The existence of a deterrent, such as the power to impose ***penalties, including fines or any other sanction*** and the publication of investigation results, can encourage behavioural change and pre-litigation solutions between the parties and should therefore be part of the powers of the enforcement authorities. ***It is necessary to establish a Union Enforcement Network ('the Network'), hosted by the Commission, aimed at coordinating and facilitating the exchange of information and best practices concerning Member States national legislation and experience of enforcement in a coordinated and systematic way*** so as to ensure a common approach with respect to the application of the rules set out in this Directive. ***The Network should also help improving the common understanding on which specific types of business practice should be considered UTPs and to better address potential cross-border UTPs.***

Amendment 159

Nicola Caputo, Marc Tarabella, Clara Eugenia Aguilera García, Ricardo Serrão Santos

Proposal for a directive

Recital 15

Text proposed by the Commission

(15) The enforcement authorities of the Member States should have the necessary powers that enable them to effectively gather any factual information by way of information requests. They should **have the power to order the termination of** a prohibited practice, where applicable. The existence of a deterrent, such as the power to impose fines and the publication of investigation results, can encourage behavioural change and pre-litigation solutions between the parties and should therefore be part of the powers of the enforcement authorities. The Commission and the enforcement authorities of the Member States should cooperate closely so as to ensure a common approach with respect to the application of the rules set out in this Directive. In particular, the enforcement authorities should provide each other mutual assistance, for example by sharing information and assisting in investigations which have a cross-border dimension.

Amendment

(15) The enforcement authorities of the Member States should have the necessary powers that enable them to effectively gather any factual information by way of information requests. They should **ensure the fair and proper functioning of the agricultural and food supply chain and promptly terminate** a prohibited practice, where applicable. The existence of a deterrent, such as the power to impose fines **or other sanctions** and the publication of investigation results, can encourage behavioural change and pre-litigation solutions between the parties and should therefore be part of the powers of the enforcement authorities. **Repeated infringement shall be taken into account when determining the sanction to be applied.** The Commission and the enforcement authorities of the Member States should cooperate closely so as to ensure a common approach with respect to the application of the rules set out in this Directive. In particular, the enforcement authorities should provide each other mutual assistance, for example by sharing **all relevant** information and assisting in investigations which have a cross-border dimension.

Or. en

Amendment 160

Mairead McGuinness, Sofia Ribeiro, Marijana Petir, Michel Dantin, Angélique Delahaye, Herbert Dorfmann, Nuno Melo, Annie Schreijer-Pierik

Proposal for a directive

Recital 15

Text proposed by the Commission

(15) The enforcement authorities of the Member States should have the necessary powers that enable them to effectively gather any factual information by way of

Amendment

(15) The enforcement authorities of the Member States should have the necessary powers that enable them to effectively gather any factual information by way of

information requests. *They* should have the power to **order the termination of** a prohibited practice, *where applicable*. **The existence of a deterrent, such as the power to impose fines and the publication of investigation results, can** encourage behavioural change and pre-litigation solutions between the parties and should therefore be part of the powers of the enforcement authorities. The Commission and the enforcement authorities of the Member States should cooperate closely so as to ensure a common approach with respect to the application of the rules set out in this Directive. In particular, the enforcement authorities should provide each other mutual assistance, for example by sharing information and assisting in investigations which have a cross-border dimension.

information requests. **For the effective implementation of this Directive, enforcement authorities** should have the power to **outlaw** a prohibited **unfair trading** practice, impose fines, **sanctions and publish** the results of investigations. **These powers can act as a deterrent and** encourage behavioural change and pre-litigation solutions between the parties and should therefore be part of the powers of the enforcement authorities. **Enforcement authorities should take repeated infringements of this Directive into account.** The Commission and the enforcement authorities of the Member States should cooperate closely so as to ensure a common approach with respect to the application of the rules set out in this Directive, **particularly with regard to fines and sanctions.** In particular, the enforcement authorities should provide each other mutual assistance, for example by sharing information and assisting in investigations which have a cross-border dimension.

Or. en

Amendment 161

Maria Heubuch

on behalf of the Verts/ALE Group

Proposal for a directive

Recital 15

Text proposed by the Commission

(15) The enforcement authorities of the Member States should have the necessary powers that enable them to effectively gather any factual information by way of information requests. They should have the power to order the termination of a prohibited practice, where applicable. The existence of a deterrent, such as the power to impose fines and the publication of investigation results, can encourage behavioural change and pre-litigation solutions between the parties and should

Amendment

(15) The enforcement authorities of the Member States should have the necessary powers that enable them to effectively gather any factual information by way of information requests **or by undertaking on-site inspections.** They should have the power to order the termination of a prohibited practice, where applicable. The existence of a deterrent, such as the power to impose fines and the publication of investigation results, can encourage behavioural change and pre-litigation

therefore be part of the powers of the enforcement authorities. The Commission and the enforcement authorities of the Member States should *cooperate* closely so as to ensure a common approach with respect to the application of the rules set out in this Directive. In particular, the enforcement authorities should provide each other mutual assistance, for example by sharing information *and* assisting in investigations which have a cross-border dimension.

solutions between the parties and should therefore be part of the powers of the enforcement authorities. The Commission and the enforcement authorities of the Member States should *coordinate their actions* closely *via the establishment of a Coordination Forum*, so as to ensure a common approach with respect to the application of the rules set out in this Directive. In particular, the enforcement authorities should provide each other mutual assistance, for example by sharing information, assisting in investigations *and taking enforcement measures for cases* which have a cross-border dimension.

Or. en

Amendment 162

Elsi Katainen, Ulrike Müller, Pavel Telička, Hilde Vautmans, Jean Arthuis

Proposal for a directive

Recital 15

Text proposed by the Commission

(15) The enforcement authorities of the Member States should have the necessary powers that enable them to effectively gather any factual information by way of information requests. They should *have the power to order the termination of* a prohibited practice, where applicable. The existence of a deterrent, such as the power to impose fines and the publication of investigation results, can encourage behavioural change and pre-litigation solutions between the parties and should therefore be part of the powers of the enforcement authorities. The Commission and the enforcement authorities of the Member States should cooperate closely so as to ensure a common approach with respect to the application of the rules set out in this Directive. In particular, the enforcement authorities should provide each other mutual assistance, for example by sharing information and assisting in

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Amendment

(15) The enforcement authorities of the Member States should have the necessary powers that enable them to effectively gather any factual information by way of information requests. They should *ensure the fair and proper functioning of agricultural and good supply chain and promptly terminate* a prohibited practice, where applicable. The existence of a deterrent, such as the power to impose fines *or other sanctions* and the publication of investigation results, can encourage behavioural change and pre-litigation solutions between the parties and should therefore be part of the powers of the enforcement authorities. *Repeated infringements should be taken into account when determining the sanctions to be applied.* The Commission and the enforcement authorities of the Member States should cooperate closely so as to ensure a common approach with respect to

investigations which have a cross-border dimension.

the application of the rules set out in this Directive. In particular, the enforcement authorities should provide each other mutual assistance, for example by sharing **all relevant** information and assisting in investigations which have a cross-border dimension.

Or. en

Justification

It is important to guarantee enough flexibility at the Member State level because the sanction should be proportionate in the context of national sanction system. Fine is rather specific as there might be reason to give other form of sanctions that could be more efficient. It is necessary also to take account the possible repetition of infringements.

Amendment 163

Elsi Katainen, Ulrike Müller, Pavel Telička, Fredrick Federley, Jasenko Selimovic, Jan Huitema, Hilde Vautmans

Proposal for a directive Recital 15 a (new)

Text proposed by the Commission

Amendment

(15 a) The exercise of the powers conferred by this Directive on enforcement authorities should be subject to appropriate safeguards which meet the standards of general principles of Union law and the Charter of Fundamental Rights of the European Union, in accordance with the case law of the Court of Justice of the European Union;

Or. en

Justification

As regards the anonymous complaints, the national rules concerning transparency of trials and legal proceedings need to take into account. The confidentiality of the identity of complainant is important. However, it is necessary also to make sure that there is no contradiction with the article 6 of European Convention on Human rights.

Amendment 164 Norbert Erdős

Proposal for a directive
Recital 15 a (new)

Text proposed by the Commission

Amendment

(15 a) There is also a need to establish an EU-level authority or broaden the scope of an existing authority to conduct dispute-settlement proceedings which cannot be dealt with at Member-State level.

Or. hu

Amendment 165
Marijana Petir

Proposal for a directive
Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) The enforcement authorities must apply dissuasive and proportionate penalties on those who violate the rules laid down in this Directive. Repeated violations of the rules by a commercial entity must be taken into account when determining the penalty.

Or. hr

Amendment 166
Maria Heubuch
on behalf of the Verts/ALE Group

Proposal for a directive
Recital 16

Text proposed by the Commission

Amendment

(16) To **facilitate effective** enforcement, the Commission should **help organise meetings between** the enforcement authorities of the Member States where best practices can be exchanged and

(16) To **ensure a proper** enforcement, the Commission should **establish a Coordination Forum with representatives of** the enforcement authorities of the Member States where best practices can be

relevant information can be shared. The Commission should establish and manage a website to facilitate *those exchanges*.

exchanged and relevant information can be shared. The Commission should *also* establish and manage a website to facilitate *this coordination*.

Or. en

Amendment 167

Mairead McGuinness, Sofia Ribeiro, Marijana Petir, Michel Dantin, Peter Jahr, Herbert Dorfmann, Nuno Melo, Annie Schreijer-Pierik

Proposal for a directive

Recital 16

Text proposed by the Commission

(16) To facilitate effective enforcement, the Commission should *help* organise meetings between the enforcement authorities of the Member States where best practices can be exchanged and relevant information can be shared. The Commission should establish and manage a website to facilitate those exchanges.

Amendment

(16) To facilitate effective enforcement, the Commission should *coordinate and* organise meetings between the enforcement authorities of the Member States where best practices can be exchanged and relevant information can be shared. The Commission should establish and manage a website to facilitate those exchanges.

Or. en

Amendment 168

Marc Tarabella, Clara Eugenia Aguilera García, Tibor Szanyi, Nicola Caputo, Karine Gloanec Maurin, Momchil Nekov

Proposal for a directive

Recital 16

Text proposed by the Commission

(16) To facilitate effective enforcement, the Commission should help *organise* meetings *between the enforcement authorities* of the *Member States* where best practices can be exchanged and relevant information can be shared. The Commission should establish and manage a website to facilitate those exchanges.

Amendment

(16) To facilitate effective enforcement, the Commission should help *organising the* meetings of the *Network* where best practices can be exchanged and relevant information can be shared. The Commission should establish and manage a website to facilitate those exchanges.

Or. en

Amendment 169
Philippe Loiseau, Jacques Colombier

Proposal for a directive
Recital 16

Text proposed by the Commission

(16) To facilitate effective enforcement, the Commission should help organise meetings between the enforcement authorities of the Member States where best practices can be exchanged and relevant information can be shared. The Commission should establish and manage a website to facilitate those exchanges.

Amendment

(16) To facilitate effective enforcement, the Commission should help organise meetings between the enforcement authorities of the Member States where best practices can be exchanged and relevant information can be shared. The Commission should establish and manage a website ***and make it accessible to Member States*** to facilitate those exchanges.

Or. fr

Amendment 170
Michel Dantin

Proposal for a directive
Recital 17

Text proposed by the Commission

(17) The rules laid down in this Directive should not impair the possibility for the Member States to maintain existing rules that are further-reaching or to adopt such rules in the future, subject to the limits of Union law applicable to the functioning of the internal market. The rules would apply alongside voluntary governance measures.

Amendment

(17) The rules laid down in this Directive should not impair the possibility for the Member States to maintain existing rules that are further-reaching or to adopt such rules in the future, subject to the limits of Union law applicable to the functioning of the internal market, ***in particular the principles of the free circulation of goods and services, freedom of establishment, non-discrimination and access to an impartial and independent judicial review***. The rules would apply alongside voluntary governance measures.

Or. fr

Justification

The aim of this amendment is to make it clear that the directive is without prejudice to more ambitious national rules, current or future, insofar as they are compatible with the principles of the functioning of the internal market and EU law, such as the free circulation of goods and services, the freedom of establishment, the principle of non-discrimination, and the right to access to an impartial and independent judicial review.

Amendment 171

Albert Deß, Peter Jahr

Proposal for a directive

Recital 19

Text proposed by the Commission

(19) In the interest of an effective implementation of the policy in respect of unfair trading practices in business-to-business relationships in the food supply chain, the Commission should review the application of this Directive and submit a report to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. ***The review should also pay particular attention to whether protection of small and medium-sized buyers of food products in the supply chain – in addition to the protection of small and medium sized suppliers – in the future would be justified,***

Amendment

(19) In the interest of an effective implementation of the policy in respect of unfair trading practices in business-to-business relationships in the food supply chain, the Commission should review the application of this Directive and submit a report to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions.

Or. de

Amendment 172

Norbert Erdős

Proposal for a directive

Recital 19

Text proposed by the Commission

(19) In the interest of an effective implementation of the policy in respect of unfair trading practices in business-to-business relationships in the food supply

Amendment

(19) In the interest of an effective implementation of the policy in respect of unfair trading practices in business-to-business relationships in the food supply

chain, the Commission should review the application of this Directive and submit a report to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. ***The review should also pay particular attention to whether protection of small and medium-sized buyers of food products in the supply chain – in addition to the protection of small and medium sized suppliers – in the future would be justified,***

chain, the Commission should review the application of this Directive and submit a report to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions.

Or. hu

Justification

This part is not necessary, as the scope of the directive is not, according to the amendment, limited to SMEs.

Amendment 173

Maria Lidia Senra Rodríguez

Proposal for a directive

Recital 19

Text proposed by the Commission

(19) In the interest of an effective implementation of the policy in respect of unfair trading practices in business-to-business relationships in the food supply chain, the Commission should review the application of this Directive and submit a report to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. ***The review should also pay particular attention to whether protection of small and medium-sized buyers of food products in the supply chain – in addition to the protection of small and medium sized suppliers – in the future would be justified,***

Amendment

19. In the interest of an effective implementation of the policy in respect of unfair trading practices in business-to-business relationships in the food supply chain, the Commission should review the application of this Directive and submit a report to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions.

Or. es

Amendment 174

Daniel Buda

Proposal for a directive

Recital 19

Text proposed by the Commission

(19) In the interest of an effective implementation of the policy in respect of unfair trading practices in business-to-business relationships in the food supply chain, the Commission should review the application of this Directive and submit a report to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. The review should also pay particular attention to whether protection of small and medium-sized buyers of food products in the supply chain – in addition to the protection of small and medium sized suppliers – in the future would be justified,

Amendment

(19) In the interest of an effective implementation of the policy in respect of unfair trading practices in business-to-business relationships in the food supply chain, the Commission should review the application of this Directive and submit a report to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. The review should also pay particular attention to whether protection of small and medium-sized buyers of food products in the supply chain – in addition to the protection of small and medium sized suppliers – in the future would be justified ***and assess whether unfair trading practices are being imposed with regard to the sale of other products.***

Or. ro

Amendment 175

Maria Heubuch

on behalf of the Verts/ALE Group

Proposal for a directive

Recital 19

Text proposed by the Commission

(19) In the interest of an effective implementation of the policy in respect of unfair trading practices in business-to-business relationships in the food supply chain, the Commission should review the application of this Directive and submit a report to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. The review should also pay particular attention to whether protection of

Amendment

(19) In the interest of an effective implementation of the policy in respect of unfair trading practices in business-to-business relationships in the ***agricultural and*** food supply chain, the Commission should review the application of this Directive and submit a report to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. The review should also pay particular attention

small and medium-sized buyers of food products in the supply chain – in addition to the protection of *small and medium sized* suppliers – in the future would be justified,

to whether protection of buyers of food products in the supply chain – in addition to the protection of suppliers – in the future would be justified,

Or. en

Amendment 176

Philippe Loiseau, Jacques Colombier

Proposal for a directive

Recital 19

Text proposed by the Commission

(19) In the interest of an effective implementation of the policy in respect of unfair trading practices in business-to-business relationships in the food supply chain, the Commission should review the application of this Directive and submit a report to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. The review should also pay particular attention to whether protection of small and medium-sized buyers of food products in the supply chain – in addition to the protection of *small and medium sized suppliers* – in the future would be justified,

Amendment

(19) In the interest of an effective implementation of the policy in respect of unfair trading practices in business-to-business relationships in the food supply chain, the Commission should review the application of this Directive and submit a report to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. The review should also pay particular attention to whether protection of small and medium-sized buyers of food products in the supply chain – in addition to the protection of *farmers and producer organisations* – in the future would be justified,

Or. fr

Amendment 177

Norbert Lins

Proposal for a directive

Recital 19

Text proposed by the Commission

(19) In the interest of an effective implementation of the policy in respect of unfair trading practices in business-to-business relationships in the food supply

Amendment

(19) In the interest of an effective implementation of the policy in respect of unfair trading practices in business-to-business relationships in the food supply

chain, the Commission should review the application of this Directive and submit a report to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. The review should also pay particular attention to whether protection of small and medium-sized buyers of food products in the supply chain – in addition to the protection of small and medium sized suppliers – in the future would be justified,

chain, the Commission should review the application of this Directive and submit a report to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. The review should also pay particular attention to whether protection of small and medium-sized buyers of food products in the supply chain – in addition to the protection of small and medium sized suppliers **and cooperatives** – in the future would be justified,

Or. de

Amendment 178
Norbert Erdős

Proposal for a directive
Recital 19 a (new)

Text proposed by the Commission

Amendment

(19) whereas the terms 'buyers' and 'suppliers' should not be used, since the Directive applies to all operators in the food supply chain and infringements can take place in both directions; the use of the terms 'injured party' and 'infringing party' is suggested instead;

Or. hu

Amendment 179
Marco Zullo, Rosa D'Amato, Ignazio Corrao

Proposal for a directive
Article 1 – paragraph 1

Text proposed by the Commission

Amendment

1. This Directive establishes a minimum list of prohibited unfair trading practices between buyers and suppliers in the food supply chain and lays down minimum rules concerning their enforcement and arrangements for the

1. This Directive establishes a minimum list of prohibited unfair trading practices between buyers and suppliers, ***such as producers, producer organisations, cooperatives and associations of producer organisations***, in

coordination between enforcement authorities.

the food supply chain and lays down minimum rules concerning their enforcement and arrangements for the coordination between enforcement authorities.

Or. en

Amendment 180
Othmar Karas

Proposal for a directive
Article 1 – paragraph 1

Text proposed by the Commission

1. This Directive establishes a minimum list of prohibited unfair trading practices between buyers and suppliers in the **food** supply chain and lays down minimum rules concerning their enforcement and arrangements for the coordination between enforcement authorities.

Amendment

1. This Directive establishes a minimum list of prohibited unfair trading practices between buyers and suppliers in the supply chain **regarding food products and agricultural products listed in Annex I to the Treaty** and lays down minimum rules concerning their enforcement and arrangements for the coordination between enforcement authorities.

Or. en

Justification

Changes should be reflected throughout the whole text with regard to the usage of food products and/or agricultural products.

Amendment 181
Maria Heubuch
on behalf of the Verts/ALE Group

Proposal for a directive
Article 1 – paragraph 1

Text proposed by the Commission

1. This Directive establishes a minimum list of prohibited unfair trading practices between buyers and suppliers in the food supply chain and lays down minimum rules concerning their

Amendment

1. This Directive establishes a minimum list of prohibited unfair trading practices between buyers and suppliers in the **agricultural and** food supply chain and lays down minimum rules concerning their

enforcement and arrangements for the coordination between enforcement authorities.

enforcement and arrangements for the coordination between enforcement authorities.

Or. en

Amendment 182
Maria Gabriela Zoană

Proposal for a directive
Article 1 – paragraph 1

Text proposed by the Commission

1. This Directive establishes a **minimum** list of prohibited unfair trading practices between buyers and suppliers in the food supply chain and lays down **minimum** rules concerning their enforcement and arrangements for the coordination between enforcement authorities.

Amendment

1. This Directive establishes a list of prohibited unfair trading practices between buyers and suppliers in the food supply chain and lays down rules concerning their enforcement and arrangements for the coordination between enforcement authorities.

Or. ro

Amendment 183
Daniel Buda

Proposal for a directive
Article 1 – paragraph 1

Text proposed by the Commission

1. This Directive establishes a **minimum** list of prohibited unfair trading practices between buyers and suppliers in the food supply chain and lays down **minimum** rules concerning their enforcement and arrangements for the coordination between enforcement authorities.

Amendment

1. This Directive establishes a list of prohibited unfair trading practices between buyers and suppliers in the food supply chain and lays down rules concerning their enforcement and arrangements for the coordination between enforcement authorities.

Or. ro

Amendment 184

Laurențiu Rebegea

**Proposal for a directive
Article 1 – paragraph 1**

Text proposed by the Commission

1. This Directive establishes a **minimum** list of prohibited unfair trading practices between buyers and suppliers in the food supply chain and lays down minimum rules concerning their enforcement and arrangements for the coordination between enforcement authorities.

Amendment

1. This Directive establishes a list of prohibited unfair trading practices between buyers and suppliers in the food supply chain and lays down minimum rules concerning their enforcement and arrangements for the coordination between enforcement authorities.

Or. ro

**Amendment 185
Norbert Erdős**

**Proposal for a directive
Article 1 – paragraph 1**

Text proposed by the Commission

1. This Directive establishes a minimum list of prohibited unfair trading practices between buyers and suppliers in the food supply chain and lays down minimum rules concerning their enforcement and arrangements for the coordination between enforcement authorities.

Amendment

(Does not affect the English version.)

Or. hu

Justification

(Does not affect the English version.)

**Amendment 186
Philippe Loiseau, Jacques Colombier, Angelo Ciocca, Mara Bizzotto**

**Proposal for a directive
Article premier – paragraph 1 a (new)**

1a. *This directive gives Member States the right, where relevant, to establish a list of contentious but permitted practices that may be foreseen in clear and unambiguous terms in supply agreements between the parties.*

Or. fr

Amendment 187

Philippe Loiseau, Jacques Colombier

Proposal for a directive

Article premier – paragraph 2

Text proposed by the Commission

2. This Directive applies to ***certain*** unfair trading practices which occur in relation to the sales of food products by a supplier that is ***a small and medium-sized enterprise*** to a buyer that ***is not a small and medium-sized enterprise***.

Amendment

2. This Directive applies to ***all*** unfair trading practices which occur in relation to the sales of food products by a supplier that is ***an agricultural enterprise or a producer organisation*** to a buyer that ***does not belong to that category***.

Or. fr

Amendment 188

Clara Eugenia Aguilera García, Sergio Gutiérrez Prieto, Tibor Szanyi, Ricardo Serrão Santos, Nikos Androulakis

Proposal for a directive

Article 1 – paragraph 2

Text proposed by the Commission

2. This Directive applies to certain unfair trading practices which occur ***in relation to the sales of food products by a supplier that is a small and medium-sized enterprise to a buyer that is not a small and medium-sized enterprise***.

Amendment

2. This Directive applies to certain unfair trading practices which occur to ***all types of operator along the food supply chain, in any of the following circumstances:***
a) One of the operators is a small and medium-sized enterprise and the other is not;
b) One of the operators has primary agricultural, livestock, fishery or forestry

producer status, or is a group having such status, and the other does not;
c) One of the operators is economically dependent on the other operator, meaning that the total sum for which the supplier invoiced the buyer accounts for at least 30 % of the supplier turnover during the previous year.

Or. en

Justification

From the expression "minimum list of unfair commercial practices prohibited between buyers and suppliers in the food supply chain", it can not be deduced that the purpose of the Directive is exclusively the protection of the supplier from the buyer abuses. The wording indicated will apply to all operations between operators of the chain, both upwards and downwards.

Amendment 189
Albert Deß, Peter Jahr

Proposal for a directive
Article 1 – paragraph 2

Text proposed by the Commission

2. This Directive applies to certain unfair trading practices which occur in relation to the sales of food products by a supplier *that is a small and medium-sized enterprise* to a buyer *that is not a small and medium-sized enterprise*.

Amendment

2. This Directive applies to certain unfair trading practices which occur in relation to the sales of ***agricultural and*** food products by a supplier to a buyer.

Or. de

Amendment 190
Anthea McIntyre

Proposal for a directive
Article 1 – paragraph 2

Text proposed by the Commission

2. This Directive applies to ***certain*** unfair trading practices which occur in relation to the sales of food products by a

Amendment

2. This Directive applies to unfair trading practices which occur in relation to the sales of ***agricultural and*** food products

supplier *that is a small and medium-sized enterprise to a buyer that is not a small and medium-sized enterprise.*

by a supplier.

Or. en

Amendment 191

Beata Gosiewska

Proposal for a directive

Article 1 – paragraph 2

Text proposed by the Commission

2. This Directive **applies** to certain unfair trading practices which occur in relation to the sales of food products by a supplier *that is a small and medium-sized enterprise* to a buyer *that is not a small and medium-sized enterprise.*

Amendment

2. This Directive **apply** to certain unfair trading practices which occur in relation to the sales of food products by a supplier to a buyer.

Or. en

Amendment 192

Angélique Delahaye

Proposal for a directive

Article 1 – paragraph 2

Text proposed by the Commission

2. This Directive applies to certain unfair trading practices which occur in relation to the sales of food products by a supplier *that is a small and medium-sized enterprise* to a buyer *that is not a small and medium-sized enterprise.*

Amendment

2. This Directive applies to certain unfair trading practices which occur in relation to the sales of food products by a supplier to a buyer.

Or. en

Amendment 193

Zbigniew Kuźmiuk, Stanisław Ożóg

Proposal for a directive

Article 1 – paragraph 2

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Text proposed by the Commission

2. This Directive **applies** to certain unfair trading practices which occur in relation to the sales of food products by a supplier **that is a small and medium-sized enterprise** to a buyer **that is not a small and medium-sized enterprise**.

Amendment

2. This Directive **shall apply** to certain unfair trading practices which occur in relation to the sales of food products by a supplier to a buyer.

Or. en

Amendment 194
Franc Bogovič

Proposal for a directive
Article 1 – paragraph 2

Text proposed by the Commission

2. This Directive applies to certain unfair trading practices which occur in relation to the sales of **food** products by a supplier **that is a small and medium-sized enterprise** to a buyer **that is not a small and medium-sized enterprise**.

Amendment

2. This Directive applies to certain unfair trading practices which occur in relation to the sales of **agri-food** products by a supplier to a buyer.

Or. en

Justification

The Directive should apply to all stakeholders in the food supply chain, not only to suppliers that are SMEs and buyers that are not SMEs, but large enterprises.

Amendment 195
Maria Lidia Senra Rodríguez

Proposal for a directive
Article 1 – paragraph 2

Text proposed by the Commission

2. This Directive applies to certain unfair trading practices which occur in relation to the sales of food products by a supplier **that is a small and medium-sized enterprise** to a buyer **that is not a small**

Amendment

2. This Directive applies to certain unfair trading practices which occur in relation to the sales of food products by a supplier to a buyer.

and medium-sized enterprise.

Or. es

Amendment 196

Czesław Adam Siekierski, Jarosław Kalinowski

Proposal for a directive

Article 1 – paragraph 2

Text proposed by the Commission

2. This Directive applies to certain unfair trading practices which occur in relation to the sales of **food** products by a supplier **that is a small and medium-sized enterprise** to a buyer **that is not a small and medium-sized enterprise**.

Amendment

2. This Directive **shall apply** applies to certain unfair trading practices which occur in relation to the sales of **agri-food** products by a supplier to a buyer.

Or. en

Amendment 197

Luke Ming Flanagan

Proposal for a directive

Article 1 – paragraph 2

Text proposed by the Commission

2. This Directive applies to certain unfair trading practices which occur in relation to the sales of food products by a supplier that is a small and medium-sized enterprise to a buyer **that is not a small and medium-sized enterprise**.

Amendment

2. This Directive applies to certain unfair trading practices which occur in relation to the sales of food products by a supplier that is a small and medium-sized enterprise to a buyer;

Or. en

Amendment 198

Mairead McGuinness, Annie Schreijer-Pierik, Sofia Ribeiro, Michel Dantin, Angélique Delahaye, Peter Jahr, Herbert Dorfmann, Nuno Melo

Proposal for a directive

Article 1 – paragraph 2

Text proposed by the Commission

2. This Directive applies to certain unfair trading practices which occur in relation to the *sales of* food products by a supplier ***that is a small and medium-sized enterprise to a buyer that is not a small and medium-sized enterprise.***

Amendment

2. This Directive applies to certain unfair trading practices which occur in relation to the ***purchase of agricultural and*** food products by a ***buyer from a*** supplier ***and the subsequent sale of these products.***

Or. en

Amendment 199
Sandra Kalniete

Proposal for a directive
Article 1 – paragraph 2

Text proposed by the Commission

2. This Directive applies to certain unfair trading practices which occur in relation to the sales of *food* products by a supplier ***that is a small and medium-sized enterprise*** to a buyer ***that is not a small and medium-sized enterprise.***

Amendment

2. This Directive applies to certain unfair trading practices which occur in relation to the sales of ***agri-food*** products, ***as well as to the services related to those products,*** by a supplier to a buyer.

Or. en

Amendment 200
Paul Brannen

Proposal for a directive
Article 1 – paragraph 2

Text proposed by the Commission

2. This Directive applies to certain unfair trading practices which occur in relation to the sales of food products by ***a*** supplier ***that is a small and medium-sized enterprise to a buyer that is not a small and medium-sized enterprise.***

Amendment

2. This Directive applies to certain unfair trading practices which occur in relation to the sales of food products by ***all operators throughout the supply chain.***

Or. en

Amendment 201

Michel Dantin

Proposal for a directive

Article premier – paragraph 2

Text proposed by the Commission

2. This Directive applies to **certain** unfair trading practices which occur in relation to the sales of food products **by a supplier that is a small and medium-sized enterprise** to a buyer **that** is not a small and medium-sized enterprise.

Amendment

2. This Directive applies to unfair trading practices which occur in relation to the sales of **agricultural and** food products, **and to services connected with those products, by a supplier** to a buyer **which** is not a small and medium-sized enterprise;

(The change from 'food products' to 'agricultural and food products' applies across the whole text and requires the necessary modifications.)

Or. fr

Justification

The aim of this amendment is to extend the scope of the directive to agricultural and food products, services connected with those products and suppliers who are not small and medium-sized enterprises. Better account needs to be made of the interdependent nature of the agro-food supply chain in terms of products, actors and services.

Amendment 202

Marco Zullo, Rosa D'Amato, Ignazio Corrao

Proposal for a directive

Article 1 – paragraph 2

Text proposed by the Commission

2. This Directive applies to certain unfair trading practices which occur in relation to the sales of food products by a supplier **that is a small and medium-sized enterprise** to a buyer that is not a small and medium-sized enterprise.

Amendment

2. This Directive applies to certain unfair trading practices which occur in relation to the sales of food products, **or to services related to those products**, by a supplier to a buyer that is not a small and medium-sized enterprise.

Or. en

Amendment 203

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Proposal for a directive
Article 1 – paragraph 2

Text proposed by the Commission

2. This Directive applies to certain unfair trading practices which occur in relation to the sales of food products by a supplier ***that is a small and medium-sized enterprise*** to a buyer ***that is not a small and medium-sized enterprise***.

Amendment

2. This Directive applies to certain unfair trading practices which occur in relation to the sales of ***agricultural and*** food products ***as well as to the services related to those products***, by a supplier to a buyer.

The provisions of this Directive shall not cover agri-food supply to cooperatives or other associated entities by their members.

((The change from "food products" to "agricultural and food products" applies throughout the text.))

Or. en

Justification

All operators must be protected against UTPs; therefore, the scope must be enlarged to all operators regardless their position in the agri-food supply chain or their economic dimension. Unfair trading practices are not unidirectional. Cooperatives and other associated entities have their own rules which are agreed by their members and should be respected.

Amendment 204

Paolo De Castro, Nicola Caputo, Michel Dantin, Ricardo Serrão Santos, Marco Zullo

Proposal for a directive
Article 1 – paragraph 2

Text proposed by the Commission

2. This Directive applies to ***certain*** unfair trading practices which occur in relation to the sales of food products by a supplier ***that is a small and medium-sized enterprise*** to a buyer that is not a small and medium-sized enterprise.

Amendment

2. This Directive applies to unfair trading practices which occur in relation to the sales of ***agricultural and*** food products by a supplier to a buyer that is not a small and medium-sized enterprise, ***as well as to the services provided by a buyer and related to those products***.

Or. en

Amendment 205
Herbert Dorfmann

Proposal for a directive
Article 1 – paragraph 2

Text proposed by the Commission

2. This Directive applies to certain unfair trading practices which occur in relation to the sales of food products **by a supplier that is a small and medium-sized enterprise** to a buyer **that is not a small and medium-sized enterprise**.

Amendment

2. This Directive applies to certain unfair trading practices which occur in relation to the sales of **agricultural and** food products, **as well as to the services related to those products, by a supplier** to a buyer **and to the provision of sales-related services in connection with those products**.

Or. de

Amendment 206
Miguel Viegas

Proposal for a directive
Article 1.º – paragraph 2

Text proposed by the Commission

2. This Directive applies to certain unfair trading practices which occur in relation to the sales of **food** products by a supplier **that is a small and medium-sized enterprise to a buyer that is not a small and medium-sized enterprise**.

Amendment

2. This Directive applies to certain unfair trading practices which occur in relation to the sales of products by a supplier, **irrespective of the place of establishment of the supplier and the buyer**.

Or. pt

Amendment 207
Maria Heubuch
on behalf of the Verts/ALE Group

Proposal for a directive
Article 1 – paragraph 2

Text proposed by the Commission

2. This Directive applies to certain unfair trading practices which occur in

Amendment

2. This Directive applies to certain unfair trading practices which occur in

relation to the sales of food products by a supplier **that is a small and medium-sized enterprise** to a buyer **that is not a small and medium-sized enterprise**.

relation to the sales of **agricultural and** food products by a supplier to a buyer, **including transactions between producer organisations or cooperatives and their members**.

Or. en

Justification

Extending the scope to all buyers is essential to prevent UTPs being passed on along the supply chain without any access to complaint mechanisms for affected producers and suppliers (“domino effect”). Including the relations between cooperatives and their members is necessary especially in the dairy sector, where cooperatives often have acquired substantial bargaining power vis-à-vis their members.

Amendment 208

Eric Andrieu, Karine Gloanec Maurin

Proposal for a directive

Article premier – paragraph 2

Text proposed by the Commission

2. This Directive applies to certain unfair trading practices which occur in relation to the sales of food products **by a supplier that is a small and medium-sized enterprise** to a buyer **that is not a small and medium-sized enterprise**.

Amendment

2. This Directive applies to certain unfair trading practices which occur in relation to the sales of **agricultural and** food products, **and the services connected with those products, by a supplier** to a buyer **of any size**.

Or. fr

Justification

The purpose of this amendment is to protect farmers and producer organisations that sell not only food products, and which sell to any buyer of any size (not just large buyers).

Amendment 209

Matt Carthy

Proposal for a directive

Article 1 – paragraph 2

Text proposed by the Commission

2. This Directive applies to certain unfair trading practices which occur in PE625.561v01-00

Amendment

2. This Directive applies to certain unfair trading practices which occur in 86/145 AM\1159664EN.docx

relation to the sales of food products by a supplier that is ***a small and medium-sized*** enterprise to a buyer that is not a small ***and medium-sized*** enterprise.

relation to the sales of food products by a supplier that is ***an*** enterprise ***of less than five hundred employees*** to a buyer that is not a small enterprise.

Or. en

Justification

It is important that a small producer has the ability to take a complaint against a medium sized producer. By limiting the wording to "a larger, that is to say non-small and medium-sized", this possibility is not accommodated for.

Amendment 210

Elsi Katainen, Ulrike Müller, Pavel Telička, Hilde Vautmans, Jean Arthuis

Proposal for a directive

Article 1 – paragraph 2

Text proposed by the Commission

2. This Directive applies to certain unfair trading practices which occur in relation to the sales of food products by a supplier that is a small and medium-sized enterprise to a buyer that is not a small and medium-sized enterprise.

Amendment

2. This Directive applies to certain unfair trading practices which occur in relation to the sales of ***agricultural and*** food products by a supplier that is a small and medium-sized enterprise to a buyer that is not a small and medium-sized enterprise, ***as well as to the sales of agricultural and food products by a supplier that is a small-sized enterprise to a buyer that is at least a medium-sized enterprise.***

Or. en

Justification

It would be appropriate to widen the scope of directive so that it would concern also the sales of food and agricultural products from small to medium-sized enterprise. This is important, because in some Member States the majority of buyers are medium-sized. According to Commission Recommendation 2003/361/EC, a medium-sized enterprise is an enterprise whose staff headcount is less than 250 and turnover less than 50 m euros. Thus, a medium-sized enterprise can also be rather big compared to e.g. an individual farmer.

Amendment 211

Martin Häusling

Proposal for a directive
Article 1 – paragraph 2

Text proposed by the Commission

2. This Directive applies to certain unfair trading practices which occur in relation to the sales of food products by a supplier that is a small and medium-sized enterprise to a buyer that is not a small and medium-sized enterprise.

Amendment

2. This Directive applies to certain unfair trading practices which occur in relation to the sales of ***agriculture and*** food products by a supplier that is a small and medium-sized enterprise, ***including small and medium sized producer organisations or cooperatives, and including individual suppliers that are members of producer organisations or cooperatives of any size,*** to a buyer that is not a small and medium-sized enterprise ***or with a dominant or monopolistic market power.***

Or. en

Amendment 212
Susanne Melior, Maria Noichl

Proposal for a directive
Article 1 – paragraph 2

Text proposed by the Commission

2. This Directive applies to certain unfair trading practices ***which occur in relation to the*** sales of food products by ***a supplier*** that is a small and medium-sized enterprise to a buyer that is not a small and medium-sized enterprise.

Amendment

2. This Directive applies to certain unfair trading practices ***in connection with*** sales of food products by ***an agricultural producer*** that is a small and medium-sized enterprise to a buyer that is not a small and medium-sized enterprise.

Or. de

Amendment 213
Hilde Vautmans

Proposal for a directive
Article 1 – paragraph 2

Text proposed by the Commission

2. This Directive applies to certain

Amendment

2. This Directive applies to certain

unfair trading practices which occur in relation to the sales of food products by **a supplier** that is a small and medium-sized enterprise to a buyer that is not a small and medium-sized enterprise.

unfair trading practices which occur in relation to the sales of food products by **an agricultural producer** that is a small and medium-sized enterprise to a buyer that is not a small and medium-sized enterprise.

Or. en

Amendment 214
Othmar Karas

Proposal for a directive
Article 1 – paragraph 2

Text proposed by the Commission

2. This Directive applies to certain unfair trading practices which occur in relation to the sales of food products by a supplier that is a small and medium-sized enterprise to a buyer that is not a small and medium-sized enterprise.

Amendment

2. This Directive applies to certain unfair trading practices which occur in relation to the sales of food products **and agricultural products listed in Annex I to the Treaty** by a supplier that is a small and medium-sized enterprise to a buyer that is not a small and medium-sized enterprise **for processing or distribution in the Union, irrespective of their place of establishment.**

Or. en

Amendment 215
Maria Gabriela Zoană

Proposal for a directive
Article 1 – paragraph 2

Text proposed by the Commission

2. This Directive applies to **certain** unfair trading practices which occur in relation to the sales of food products by a supplier that is a small and medium-sized enterprise to a buyer that is not a small and medium-sized enterprise.

Amendment

2. This Directive applies to unfair trading practices which occur in relation to the sales of food products by a supplier that is a small and medium-sized enterprise to a buyer that is not a small and medium-sized enterprise.

Or. ro

Amendment 216
Norbert Lins

Proposal for a directive
Article 1 – paragraph 2

Text proposed by the Commission

2. This Directive applies to certain unfair trading practices which occur in relation to the sales of food products by a supplier that is a small and medium-sized enterprise to a buyer that is not a small and medium-sized enterprise.

Amendment

2. This Directive applies to certain unfair trading practices which occur in relation to the sales of food products by a supplier that is a small and medium-sized enterprise ***or a cooperative*** to a buyer that is not a small and medium-sized enterprise.

Or. de

Amendment 217
Daniel Buda

Proposal for a directive
Article 1 – paragraph 2

Text proposed by the Commission

2. This Directive applies to certain unfair trading practices which occur in relation to the sales of food products by a supplier that is a small and medium-sized enterprise to a buyer that is not a small and medium-sized enterprise.

Amendment

2. This Directive applies to certain unfair trading practices which occur in relation to the sales of food products by a supplier that is a small and medium-sized enterprise ***or food chain cooperative association*** to a buyer that is not a small and medium-sized enterprise ***or food chain cooperative***.

Or. ro

Amendment 218
Norbert Erdős

Proposal for a directive
Article 1 – paragraph 2

Text proposed by the Commission

2. This Directive applies to certain unfair trading practices which occur in relation to the sales of food products by a

Amendment

(2) This Directive applies to certain unfair trading practices which occur in relation to the sales of food products by a

supplier that is a small and medium-sized enterprise to a buyer that is not a small and medium-sized enterprise.

supplier that is a small and medium-sized enterprise to a buyer that is not a small and medium-sized enterprise. ***The Directive will apply to the food supply chain in its entirety and covers all operators involved therein.***

Or. hu

Amendment 219

Clara Eugenia Aguilera García, Sergio Gutiérrez Prieto, Tibor Szanyi, Ricardo Serrão Santos, Nikos Androulakis

Proposal for a directive

Article 1 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. This Directive shall not apply to product deliveries made to agricultural cooperatives and other associated entities by their members, provided that they are compulsory according to their organization's rules.

Or. en

Justification

The proposed wording excludes of the scope agriculture cooperatives.

Amendment 220

Clara Eugenia Aguilera García, Sergio Gutiérrez Prieto, Tibor Szanyi, Ricardo Serrão Santos, Nikos Androulakis

Proposal for a directive

Article 1 – paragraph 3

Text proposed by the Commission

Amendment

3. This Directive shall apply to ***supply*** agreements concluded after the date of applicability of the provisions transposing this Directive referred to in the second subparagraph of Article 12(1).

3. This Directive shall apply to ***food*** agreements concluded after the date of applicability of the provisions transposing this Directive referred to in the second subparagraph of Article 12(1).

Or. en

Amendment 221

Ivari Padar

Proposal for a directive

Article 1 – paragraph 3 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

that a half-year transition period should apply to existing contracts.

Or. et

Amendment 222

Marc Tarabella, Tibor Szanyi, Maria Gabriela Zoană, Nicola Caputo, Karine Gloanec Maurin, Momchil Nekov

Proposal for a directive

Article 2 – paragraph 1 – point –a (new)

Text proposed by the Commission

Amendment

(-a) “unfair trading practice” means any practice which grossly deviates from good commercial conduct, is contrary to good faith and fair practice and is unilaterally imposed by one trading partner upon another, occurring when an enterprise:

- submits or attempts to subject a trading partner to obligations that create a significant imbalance in the rights and obligations of the parties before, during or after the performance of the contract;

- obtains or attempts to obtain, under threat of total or partial termination of contractual relations, manifestly unreasonable conditions concerning prices, payment terms, terms of sale or services not covered by the purchase obligations and sales.

Or. en

Justification

Unfair business-to-business commercial practices are not defined by EU law. It is appropriate to propose a sufficiently broad definition of unfair commercial practices. Such a definition would be particularly useful in situations which do not correspond to those set out in the restrictive list of prohibited business practices set out in Article 3 (1) and (2). Suppliers, many of whom are farmers or SMEs, should be treated as "weak parties" to the contract and put in place a protective regime. This protection should redress the balance of power during contract negotiations with buyers.

Amendment 223

Nicola Caputo

Proposal for a directive

Article 2 – paragraph 1 – point –a (new)

Text proposed by the Commission

Amendment

(-a) “unfair trading practice” means any practice which grossly deviates from good commercial conduct, is contrary to good faith and fair practice and is unilaterally imposed by one trading partner upon another, occurring when an enterprise:

- submits or attempts to subject a trading partner to obligations that create a significant imbalance in the rights and obligations of the parties before, during or after the performance of the contract;

- obtains or attempts to obtain, under threat of total or partial termination of contractual relations, manifestly unreasonable conditions concerning prices, payment terms, terms of sale or services not covered by the purchase obligations and sales.

Or. en

Amendment 224

Beata Gosiewska

Proposal for a directive

Article 2 – paragraph 1 – point –a (new)

Text proposed by the Commission

Amendment

(-a) "unfair trading practices" are practices that grossly deviate from good commercial conduct, are contrary to good faith and fair dealing and are unilaterally imposed by one trading partner on another;

Or. en

Amendment 225

Czesław Adam Siekierski, Jarosław Kalinowski

Proposal for a directive

Article 2 – paragraph 1 – point –a (new)

Text proposed by the Commission

Amendment

(-a) "unfair trading practices" are practices that grossly deviate from good commercial conduct, are contrary to good faith and fair dealing and are unilaterally imposed by one trading partner on another;

Or. en

Amendment 226

Zbigniew Kuźmiuk, Stanisław Ożóg

Proposal for a directive

Article 2 – paragraph 1 – point –a (new)

Text proposed by the Commission

Amendment

(-a) "unfair trading practices" are practices that grossly deviate from good commercial conduct, are contrary to good faith and fair dealing and are unilaterally imposed by one trading partner on another;

Or. en

Amendment 227
Marco Zullo, Rosa D'Amato, Ignazio Corrao

Proposal for a directive
Article 2 – paragraph 1 – point –a (new)

Text proposed by the Commission

Amendment

(-a) "unfair trading practice" means any commercial practice that is contrary to good faith and good commercial conduct, unilaterally imposed by one trading partner to another;

Or. en

Amendment 228
Maria Heubuch
on behalf of the Verts/ALE Group

Proposal for a directive
Article 2 – paragraph 1 – point –a (new)

Text proposed by the Commission

Amendment

(-a) "unfair trading practices" means practices that
- grossly deviate from good and fair commercial conduct, are contrary to good faith and fair dealing and are unilaterally imposed by buyer to supplier, or
- impose or attempt to impose an unjustified and disproportionate transfer of a buyer's economic risk to the supplier; or a significant imbalance of rights and obligations on the supplier in the commercial relationship before, during or after the contract;

Or. en

Amendment 229
Anthea McIntyre

Proposal for a directive
Article 2 – paragraph 1 – point –a (new)

Text proposed by the Commission

Amendment

(-a) “unfair trading practice” means any practice that:

- is not conducted in good faith and fair dealing, in formal and informal arrangements;

- is unilaterally imposed by one trading partner on another under duress;

- imposes or attempts to impose a significant imbalance of rights and obligations between the partners in the commercial relationship.

Or. en

Amendment 230

Marijana Petir

Proposal for a directive

Article 2 – paragraph 1 – point –a (new)

Text proposed by the Commission

Amendment

(-a) 'Unfair trading practices' are contractual provisions and business practices that are imposed on the supplier by the customer, using their significant negotiating power over the supplier, and that are contrary to the principles of conscientiousness and fairness, the principle of equal treatment of the parties, the principle of equal value of performance and good business practice in the production of and/or trade in agricultural or food products, including any undue and disproportionate risk transfer to the lesser of the contracting parties.

Or. hr

Justification

A comprehensive definition of unfair trading practices, based on the principles of conscientiousness and fairness, the equality of the parties, equal value of performance and good business practices generally accepted in business relations in the Union, must be

provided. Such a definition must be incorporated into the legislation, as the number of unfair practices is large and continuously changing, and it would be impossible to mention them all in any comprehensive list or article of a directive.

Amendment 231

Othmar Karas

Proposal for a directive

Article 2 – paragraph 1 – point a

Text proposed by the Commission

(a) “buyer” means any natural or legal person ***established in the Union*** who buys ***food*** products by way of trade. The term "buyer" may include a group of such natural and legal persons;

Amendment

(a) “buyer” means any natural or legal person, ***irrespective of their place of establishment***, who buys ***agricultural products*** by way of trade ***for processing or distribution in the EU and provides services to suppliers***. The term "buyer" may include a group of such natural and legal persons, ***including those that only provide services to suppliers***;

Or. en

Justification

The adaptation of the definition is necessary in order to avoid that retailers and alliances establish buying units outside the EU in order to escape the Directive's jurisdiction. The Directive should also cover UTPs committed by the subsidiaries or alliances of buyers when they negotiate/impose ancillary services to suppliers of food products. Some international alliances of buyers only negotiate services.

Amendment 232

Michel Dantin

Proposal for a directive

Article 2 – paragraph 1 – point a

Text proposed by the Commission

(a) “buyer” means any natural or legal person ***established in the Union*** who buys food products ***by way of trade***. The term "buyer" may include a group of such natural and legal persons;

Amendment

(a) "buyer" means any natural or legal person, ***wherever that person is established***, who buys food products ***for commercial purposes and/or offers services connected with those products***. The term "buyer" may include a group of such natural and legal persons;

Justification

The aim of this amendment is to include within the scope of application of this Directive those buyers which, though established outside the EU, buy and sell products on the EU market.

Amendment 233

Marco Zullo, Rosa D'Amato, Ignazio Corrao

Proposal for a directive**Article 2 – paragraph 1 – point a***Text proposed by the Commission*

(a) “buyer” means any natural or legal person ***established in the Union*** who buys food products by way of trade. The term "buyer" may include a group of such natural and legal persons;

Amendment

(a) “buyer” means any natural or legal person ***irrespective of their place of establishment***, who buys food products by way of trade ***in order to process or distribute them in the European Union***. The term "buyer" may include a group of such natural and legal persons.

Or. en

Amendment 234

Maria Heubuch

on behalf of the Verts/ALE Group

Proposal for a directive**Article 2 – paragraph 1 – point a***Text proposed by the Commission*

(a) “buyer” means any natural or legal person ***established in the Union*** who buys food products by way of trade. The term "buyer" may include a group of such natural and legal persons;

Amendment

(a) “buyer” means any natural or legal person, ***irrespective of their place of establishment***, who buys ***agricultural or food products*** by way of trade ***to place them on the EU market***. The term "buyer" may include a group of such natural and legal persons;

Or. en

Justification

The amendment aims at including within the scope of the Directive those operators that, though established outside the EU, buy and sell products in the EU market, and avoiding that a buyer can escape the provisions by simply moving its place of establishment outside the EU.

Amendment 235

Paolo De Castro, Nicola Caputo, Michel Dantin, Mairead McGuinness, Ricardo Serrão Santos, Marc Tarabella, Marco Zullo

Proposal for a directive

Article 2 – paragraph 1 – point a

Text proposed by the Commission

(a) “buyer” means any natural or legal person ***established in the Union*** who buys food products by way of trade. The term "buyer" may include a group of such natural and legal persons;

Amendment

(a) “buyer” means any natural or legal person, ***irrespective of their place of establishment***, who buys ***agricultural and*** food products by way of trade. The term "buyer" may include a group of such natural and legal persons;

Or. en

Amendment 236

Marijana Petir

Proposal for a directive

Article 2 – paragraph 1 – point a

Text proposed by the Commission

(a) “buyer” means any natural or legal person ***established in the Union*** who buys food products by way of trade. The term "buyer" may include a group of such natural and legal persons;

Amendment

(a) "buyer" means any natural or legal person, ***irrespective of that person’s place of establishment***, who buys ***agricultural or*** food products by way of trade ***within the EU***. The term "buyer" may include a group of such natural and legal persons;

Or. hr

Amendment 237

Czesław Adam Siekierski, Jarosław Kalinowski

Proposal for a directive

Article 2 – paragraph 1 – point a

Text proposed by the Commission

(a) “buyer” means any natural or legal person established in the Union who buys **food** products by way of trade. The term "buyer" may include a group of such natural and legal persons;

Amendment

(a) “buyer” means any natural or legal person established in the Union who buys **agri-food** products by way of trade. The term "buyer" may include a group of such natural and legal persons;

Or. en

Amendment 238

Miguel Viegas

Proposal for a directive

Article 2.º – paragraph 1 – point a

Text proposed by the Commission

(a) “buyer” means any natural or legal person established in the Union who buys **food** products by way of trade. The term "buyer" may include a group of such natural and legal persons;

Amendment

(a) “buyer” means any natural or legal person established in the Union who buys products by way of trade. The term "buyer" may include a group of such natural and legal persons;

Or. pt

Amendment 239

Othmar Karas

Proposal for a directive

Article 2 – paragraph 1 – point b

Text proposed by the Commission

(b) “supplier” means any agricultural producer or any natural or legal person, **irrespective of their place of establishment**, who sells **food** products. The term “supplier” may include a group of such agricultural producers or such natural and legal persons, including producer organisations and associations of producer organisations;

Amendment

(b) “supplier” means any agricultural producer or any natural or legal person, **established in the Union market**, who sells **agricultural** products. The term “supplier” may include a group of such agricultural producers or such natural and legal persons, including producer organisations and associations of producer organisations;

Or. en

Amendment 240

Esther Herranz García, Ramón Luis Valcárcel Siso, Gabriel Mato, Pilar Ayuso

Proposal for a directive

Article 2 – paragraph 1 – point b

Text proposed by the Commission

(b) “supplier” means any agricultural producer or any natural or legal person, ***irrespective of their place of establishment***, who sells food products. The term “supplier” may include a group of such agricultural producers or such natural and legal persons, including producer organisations ***and*** associations of producer organisations;

Amendment

(b) “supplier” means any agricultural producer or any natural or legal person, ***established in the Union***, who sells food products; the term “supplier” may include a group of such agricultural producers or such natural and legal persons, including producer organisations, associations of producer organisations ***or agricultural cooperatives***;

Or. en

Justification

Only suppliers established in the EU should be protected by Member States as European suppliers do not find any equal treatment in third countries. Cooperatives have their own legal identity and should be covered by this article.

Amendment 241

Czesław Adam Siekierski, Jarosław Kalinowski

Proposal for a directive

Article 2 – paragraph 1 – point b

Text proposed by the Commission

(b) “supplier” means any agricultural producer or any natural or legal person, ***irrespective of their place of establishment***, who sells ***food*** products. The term “supplier” may include a group of such agricultural producers or such natural and legal persons, including producer organisations and associations of producer organisations;

Amendment

(b) "supplier" means any agricultural producer or any natural or legal person, ***established in the Union***, who sells ***agri-food*** products. The term "supplier" may include a group of such agricultural producers or such natural and legal persons, including producer organisations and associations of producer organisations;

Or. en

Amendment 242

Clara Eugenia Aguilera García, Sergio Gutiérrez Prieto, Tibor Szanyi, Ricardo Serrão Santos, Nikos Androulakis

Proposal for a directive

Article 2 – paragraph 1 – point b

Text proposed by the Commission

(b) “supplier” means any agricultural producer or any natural or legal person, ***irrespective of their place of establishment***, who sells food products. The term “supplier” may include a group of such agricultural producers or such natural and legal persons, including producer organisations and associations of producer organisations;

Amendment

(b) “supplier” means any agricultural producer or any natural or legal person, ***established in the UE***, who sells food products. The term “supplier” may include a group of such agricultural producers or such natural and legal persons, including producer organisations and associations of producer organisations ***or agricultural cooperatives***;

Or. en

Amendment 243

Beata Gosiewska

Proposal for a directive

Article 2 – paragraph 1 – point b

Text proposed by the Commission

(b) “supplier” means any agricultural producer or any natural or legal person, ***irrespective of their place of establishment***, who sells food products. The term “supplier” may include a group of such agricultural producers or such natural and legal persons, including producer organisations and associations of producer organisations;

Amendment

(b) “supplier” means any agricultural producer or any natural or legal person, ***established in the Union***, who sells food products. The term “supplier” may include a group of such agricultural producers or such natural and legal persons, including producer organisations and associations of producer organisations;

Or. en

Amendment 244

Zbigniew Kuźmiuk, Stanisław Ożóg

Proposal for a directive

Article 2 – paragraph 1 – point b

Text proposed by the Commission

(b) “supplier” means any agricultural producer or any natural or legal person, ***irrespective of their place of establishment***, who sells food products. The term “supplier” may include a group of such agricultural producers or such natural and legal persons, including producer organisations and associations of producer organisations;

Amendment

(b) “supplier” means any agricultural producer or any natural or legal person, ***established in the Union*** who sells food products. The term “supplier” may include a group of such agricultural producers or such natural and legal persons, including producer organisations and associations of producer organisations;

Or. en

Amendment 245
Miguel Viegas

Proposal for a directive
Article 2.º – paragraph 1 – point b

Text proposed by the Commission

(b) “supplier” means any agricultural producer or any natural or legal person, irrespective of their place of establishment, who sells ***food*** products. The term “supplier” may include a group of ***such*** agricultural producers or ***such*** natural and legal persons, including producer organisations and associations of producer organisations;

Amendment

(b) “supplier” means any agricultural producer or any natural or legal person, irrespective of their place of establishment, who sells products. The term “supplier” may include a group of agricultural producers or ***of*** natural and legal persons, including producer organisations and associations of producer organisations;

Or. pt

Amendment 246
Mairead McGuinness, Annie Schreijer-Pierik, Sofia Ribeiro, Michel Dantin, Angélique Delahaye, Peter Jahr, Herbert Dorfmann, Nuno Melo

Proposal for a directive
Article 2 – paragraph 1 – point b

Text proposed by the Commission

(b) “supplier” means any agricultural producer or any natural or legal person, irrespective of their place of establishment, who sells food products. The term

Amendment

(b) “supplier” means any agricultural producer or any natural or legal person, irrespective of their place of establishment, who sells ***agricultural and*** food products.

“supplier” may include a group of such agricultural producers or such natural and legal persons, including producer organisations **and** associations of producer organisations;

The term “supplier” may include a group of such agricultural producers or such natural and legal persons, including producer organisations, associations of producer organisations **and cooperatives**;

Or. en

Amendment 247

Maria Heubuch

on behalf of the Verts/ALE Group

Proposal for a directive

Article 2 – paragraph 1 – point b

Text proposed by the Commission

(b) “supplier” means any agricultural producer or any natural or legal person, irrespective of their place of establishment, who sells food products. The term “supplier” may include a group of such agricultural producers or such natural and legal persons, including producer organisations and associations of producer organisations;

Amendment

(b) “supplier” means any agricultural producer or any natural or legal person, irrespective of their place of establishment, who sells **agricultural or** food products. The term “supplier” may include a group of such agricultural producers or such natural and legal persons, including producer organisations and associations of producer organisations;

Or. en

Amendment 248

Marijana Petir

Proposal for a directive

Article 2 – paragraph 1 – point b

Text proposed by the Commission

(b) “supplier” means any agricultural producer or any natural or legal person, irrespective of their place of establishment, who sells food products. The term “supplier” may include a group of such agricultural producers or such natural and legal persons, including producer organisations and associations of producer organisations;

Amendment

(b) “supplier” means any agricultural producer or any natural or legal person, irrespective of their place of establishment, who sells **agricultural and** food products. The term “supplier” may include a group of such agricultural producers or such natural and legal persons, including **agricultural cooperatives**, producer organisations and associations of producer organisations;

Amendment 249

Daniel Buda

Proposal for a directive

Article 2 – paragraph 1 – point b

Text proposed by the Commission

(b) “supplier” means any agricultural producer or any natural or legal person, irrespective of their place of establishment, who sells food products. The term “supplier” may include a group of such agricultural producers or such natural and legal persons, including producer organisations and associations of producer organisations;

Amendment

(b) “supplier” means any agricultural producer **or processor** or any natural or legal person, irrespective of their place of establishment, who sells food products. The term “supplier” may include a group of such agricultural producers or such natural and legal persons, including producer organisations and associations of producer organisations;

Or. ro

Amendment 250

Laurențiu Rebegea

Proposal for a directive

Article 2 – paragraph 1 – point b

Text proposed by the Commission

(b) “supplier” means any agricultural **producer** or any natural or legal person, irrespective of their place of establishment, who sells food products. The term “supplier” may include a group of such agricultural **producers** or such natural and legal persons, including producer organisations and associations of producer organisations;

Amendment

(b) “supplier” means any agricultural **producer/supplier** or any natural or legal person, irrespective of their place of establishment, who sells food products. The term “supplier” may include a group of such agricultural **producers/suppliers** or such natural and legal persons, including producer organisations and associations of producer organisations;

Or. ro

Amendment 251

Nicola Caputo

Proposal for a directive
Article 2 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(b a) "situation of economic dependence" occurs when the termination of commercial relations between the buyer and the supplier may jeopardize the continued pursuit of the latter's activity and where the supplier does not have an alternative solution to the commercial relations in question which can be implemented within a reasonable time. This is presumed to be the case when the buyer accounts for at least 20% of the supplier's turnover;

Or. en

Amendment 252

Marc Tarabella, Tibor Szanyi, Nicola Caputo, Karine Gloanec Maurin, Momchil Nekov

Proposal for a directive
Article 2 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(b a) "situation of economic dependence" occurs when the termination of commercial relations between the buyer and the supplier may jeopardize the continued pursuit of the latter's activity and where the supplier does not have an alternative solution to the commercial relations in question which can be implemented within a reasonable time. This is presumed to be the case when the buyer accounts for at least 20% of the supplier's turnover;

Or. en

Justification

This amendment defines the concept of abuse of economic dependence and to sanction commercial practices implemented by trading partners, which, in the absence of economic dependence of their business partner, could not be implemented. The threshold of presumption of economic dependence results from the decision of the Commission in Rewe /

Meinl (C (1999) 228), where the Commission found the average share of turnover which a producer had with a customer beyond which the producer could not replace the loss of that customer without incurring considerable financial loss to be 22%.

Amendment 253

Clara Eugenia Aguilera García, Sergio Gutiérrez Prieto, Tibor Szanyi, Ricardo Serrão Santos, Nikos Androulakis

Proposal for a directive

Article 2 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(b a) "economic dependence" occurs when, in a relationship between supplier and buyer, the total sum for which the supplier invoiced the buyer accounts for at least 30 % of turnover during the previous year;

Or. en

Amendment 254

Esther Herranz García, Ramón Luis Valcárcel Siso, Gabriel Mato, Pilar Ayuso

Proposal for a directive

Article 2 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(b a) "economic dependence" means a relationship in which the buyer accounts for at least 30 per cent of the supplier's turnover;

Or. en

Amendment 255

Michel Dantin

Proposal for a directive

Article 2 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) "economic dependence" means an imbalanced situation in which the buyer is in a situation of power over the supplier, making the supplier vulnerable because the buyer is well-known, because the buyer has a significant market share in the supplier's turnover, or because the supplier cannot find a sufficient alternative trade solution;

Or. fr

Justification

This amendment seeks to define the concept of 'economic dependence', the abuse of which may serve as a sufficient reason to characterise one of the commercial practices listed in Article 3(2) of the Directive as unfair and therefore unlawful.

Amendment 256
Laurențiu Rebeaga

Proposal for a directive
Article 2 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) "economic dependence" means unequal bargaining power between a supplier and a purchaser where the former is dependent on the latter because of the quantities supplied, the purchaser's reputation and market share or the lack of alternative outlets;

Or. ro

Amendment 257

Clara Eugenia Aguilera García, Sergio Gutiérrez Prieto, Tibor Szanyi, Ricardo Serrão Santos, Nikos Androulakis

Proposal for a directive
Article 2 – paragraph 1 – point b b (new)

Text proposed by the Commission

Amendment

(b b) "food procurement contract" means a contract in which one party

commits to provide the other party with food or food products and the aforementioned food inputs, for a certain price, whether this be an isolated sale or ongoing supply.

Or. en

Amendment 258

Bas Belder

Proposal for a directive

Article 2 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(b a) "supply agreement" means an oral or written agreement between buyer and supplier;

Or. en

Amendment 259

Franc Bogovič

Proposal for a directive

Article 2 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) "small and medium-sized enterprise" means an enterprise within the meaning of the definition of micro, small and medium-sized enterprises set out in the Annex to Commission Recommendation 2003/361/EC¹⁴ ;

deleted

¹⁴ *Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5/2003, p. 36).*

Or. en

Justification

Since a previous amendment is deleting small and medium-sized enterprises from the text, their definition becomes obsolete.

Amendment 260

Norbert Erdős

Proposal for a directive

Article 2 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(b a) 'economic dependence' means a power relationship between a supplier and a buyer in which the parties have unequal strength of bargaining power, resulting in dependence on the stronger party;

Or. hu

Amendment 261

Angélique Delahaye

Proposal for a directive

Article 2 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) “small and medium-sized enterprise” means an enterprise within the meaning of the definition of micro, small and medium-sized enterprises set out in the Annex to Commission Recommendation 2003/361/EC¹⁴ ;

deleted

¹⁴ ***Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5/2003, p. 36).***

Or. en

Amendment 262

PE625.561v01-00

110/145

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Zbigniew Kuźmiuk, Stanisław Ożóg

Proposal for a directive
Article 2 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) “*small and medium-sized enterprise*” means an enterprise within the meaning of the definition of micro, small and medium-sized enterprises set out in the Annex to Commission Recommendation 2003/361/EC¹⁴ ; *deleted*

¹⁴ *Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5/2003, p. 36).*

Or. en

Amendment 263
Maria Heubuch
on behalf of the Verts/ALE Group

Proposal for a directive
Article 2 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) “*small and medium-sized enterprise*” means an enterprise within the meaning of the definition of micro, small and medium-sized enterprises set out in the Annex to Commission Recommendation 2003/361/EC¹⁴ ; *deleted*

¹⁴ *Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5/2003, p. 36).*

Or. en

Amendment 264

Czesław Adam Siekierski, Jarosław Kalinowski

Proposal for a directive

Article 2 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) “*small and medium-sized enterprise*” means an enterprise within the meaning of the definition of micro, small and medium-sized enterprises set out in the Annex to Commission Recommendation 2003/361/EC¹⁴ ; *deleted*

¹⁴ *Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5/2003, p. 36).*

Or. en

Amendment 265

Esther Herranz García, Ramón Luis Valcárcel Siso, Gabriel Mato, Pilar Ayuso

Proposal for a directive

Article 2 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) “*small and medium-sized enterprise*” means an enterprise within the meaning of the definition of micro, small and medium-sized enterprises set out in the Annex to Commission Recommendation 2003/361/EC¹⁴ ; *deleted*

¹⁴ *Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5/2003, p. 36).*

Or. en

Justification

In accordance with the amendments enlarging the scope of the Directive, it is not necessary to define what an SME is.

Amendment 266

Anthea McIntyre

Proposal for a directive

Article 2 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) *“small and medium-sized enterprise” means an enterprise within the meaning of the definition of micro, small and medium-sized enterprises set out in the Annex to Commission Recommendation 2003/361/EC¹⁴ ;* **deleted**

¹⁴ *Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5/2003, p. 36).*

Or. en

Amendment 267

Beata Gosiewska

Proposal for a directive

Article 2 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) *“small and medium-sized enterprise” means an enterprise within the meaning of the definition of micro, small and medium-sized enterprises set out in the Annex to Commission Recommendation 2003/361/EC¹⁴ ;* **deleted**

¹⁴ *Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and*

medium-sized enterprises (OJ L 124, 20.5/2003, p. 36).

Or. en

Amendment 268

Philippe Loiseau, Jacques Colombier

Proposal for a directive

Article 2 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) “small and medium-sized enterprise” means an enterprise within the meaning of the definition of micro, small and medium-sized enterprises set out in the Annex to Commission Recommendation 2003/361/EC¹⁴; **deleted**

¹⁴ *Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5/2003, p. 36).*

Or. fr

Amendment 269

Maria Lidia Senra Rodríguez

Proposal for a directive

Article 2 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) “small and medium-sized enterprise” means an enterprise within the meaning of the definition of micro, small and medium-sized enterprises set out in the Annex to Commission Recommendation 2003/361/EC¹⁴; **deleted**

¹⁴ *Commission Recommendation 2003/361/EC of 6 May 2003 concerning*

the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5/2003, p. 36).

Or. es

Amendment 270

Paolo De Castro, Nicola Caputo, Mairead McGuinness, Ricardo Serrão Santos, Marc Tarabella, Marco Zullo

Proposal for a directive

Article 2 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(b a) "supply agreement" means an agreement between a supplier and a buyer that covers price, quantities, delivery and payments conditions, as well as rights and termination procedures.

Or. en

Amendment 271

Marc Tarabella, Clara Eugenia Aguilera García, Tibor Szanyi, Karine Gloanec Maurin, Momchil Nekov

Proposal for a directive

Article 2 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(c a) "Resale at a loss" means the reselling or advertising of the resale below the actual purchase price. The actual purchase price is the net unit price shown on the purchase invoice, minus the amount of all other financial benefits granted by the supplier, plus turnover taxes, specific taxes relating to the purchase price and to the resale, as well as the price of transport.

Or. en

Amendment 272
Laurențiu Rebegea

Proposal for a directive
Article 2 – paragraph 1 – point d

Text proposed by the Commission

(d) “food products” means products listed in Annex I to the Treaty intended for use as food as well as products not listed in that Annex, but processed from those products for use as food;

Amendment

(d) “**agricultural and** food products” means products listed in Annex I to the Treaty intended for use as food as well as products not listed in that Annex, but processed from those products for use as food;

Or. ro

Amendment 273
Maria Heubuch
on behalf of the Verts/ALE Group

Proposal for a directive
Article 2 – paragraph 1 – point d

Text proposed by the Commission

(d) “food products” means products listed in Annex I to the Treaty intended for use as food as well as products not listed in that Annex, but processed from those products for use as food;

Amendment

(d) “**agricultural and** food products” means products listed in Annex I to the Treaty intended for use as food as well as products not listed in that Annex, but processed from those products for use as food;

Or. en

Amendment 274
Marijana Petir

Proposal for a directive
Article 2 – paragraph 1 – point d

Text proposed by the Commission

(d) “food products” means products listed in Annex I to the Treaty intended for use as food as well as products not listed in that Annex, but processed from those

Amendment

(d) “**agricultural and** food products” means products listed in Annex I to the Treaty intended for use as food as well as products not listed in that Annex,

products for use as food;

but processed from those products for use as food;

Or. hr

Amendment 275

Czesław Adam Siekierski, Jarosław Kalinowski

Proposal for a directive

Article 2 – paragraph 1 – point d

Text proposed by the Commission

(d) “**food** products” means products listed in Annex I to the Treaty intended for use as food as well as products not listed in that Annex, but processed from those products for use as food;

Amendment

(d) “**agri-food** products” means products listed in Annex I to the Treaty intended for use as food as well as products not listed in that Annex, but processed from those products for use as food;

Or. en

Amendment 276

Ivari Padar

Proposal for a directive

Article 2 – paragraph 1 – point d

Text proposed by the Commission

(d) “food products” means products listed in Annex I to the Treaty intended for use as food as well as **products not listed in that Annex, but processed from those products for use as food**;

Amendment

(d) “food products” means products listed in Annex I to the Treaty intended for use as food, as well as **food as defined in Article 2 of Regulation (EC) No 178/2002**;

Or. et

Amendment 277

Philippe Loiseau, Jacques Colombier, Angelo Ciocca, Mara Bizzotto

Proposal for a directive

Article 2 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) “food products” means products listed in Annex I to the Treaty intended for use as food as well as products not listed in that Annex, but processed from those products for use as food;

(d) “food products” means products listed in Annex I to the Treaty intended for use as food, ***and any product arising from the work of, or service provided by, a supplier***, as well as products not listed in that Annex, but processed from those products for use as food;

Or. fr

Amendment 278
Othmar Karas

Proposal for a directive
Article 2 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(d a) "agricultural products" means products listed in Annex I to the Treaty and their processing products as well as products not listed in that Annex, but processed from those products for use as food;

Or. en

Amendment 279
Nicola Caputo, Marc Tarabella

Proposal for a directive
Article 2 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(d a) "private label food products" are food products that are sold under retailers' brands;

Or. en

Amendment 280
Ivari Padar

Proposal for a directive

PE625.561v01-00

118/145

AM1159664EN.docx

Article 2 – paragraph 1 – point e

Text proposed by the Commission

(e) “*perishable food products*” means *food products that will become unfit for human consumption unless they are stored, treated, packaged or otherwise conserved to prevent them from becoming unfit.*

Amendment

(e) “*food products with a short time limit for storage*” means *food whose time limit for storage is less than [30] days.*

Or. et

Amendment 281

Franc Bogovič

Proposal for a directive

Article 2 – paragraph 1 – point e

Text proposed by the Commission

(e) “*perishable food products*” means *food products that will become unfit for human consumption unless they are stored, treated, packaged or otherwise conserved to prevent them from becoming unfit.*

Amendment

(e) “*perishable food products*” means:
- *fresh fruit and vegetables set out in Annex I to Regulation (EU) No 1308/2013 of the European Parliament and of the Council^{1a}, including*
- *potatoes;*
- *milk and milk products that are not sterilized;*
- *pre-packaged and unpackaged fresh meat, minced meat, meat preparations, offal and internal organs;*
- *non-prepacked preserves and pasteurized meat products;*
- *fresh fish, crustaceans and molluscs;*
- *eggs (in the shell);*
- *fresh mushrooms and herbs;*
- *pre-packaged and non-prepacked bread and baked goods;*
- *non-prepacked fine bakers' wares.*

^{1a} *Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and*

Justification

The definition of highly perishable products is very general, therefore stakeholders can interpret it very differently. Highly perishable products should therefore be defined more precisely.

Amendment 282

Esther Herranz García, Ramón Luis Valcárcel Siso, Gabriel Mato, Pilar Ayuso

Proposal for a directive

Article 2 – paragraph 1 – point e

Text proposed by the Commission

(e) “perishable food products” means food products *that will become unfit for human consumption unless they are stored, treated, packaged or otherwise conserved to prevent them from becoming unfit.*

Amendment

(e) “perishable food products” means *agricultural and* food products *which are naturally suitable for commercialization and* consumption *for a period of up to thirty days or that require regulated temperature or packaging conditions for storage, and / or commercialisation and / or transportation;*

Justification

The aim of this amendment is to provide clarification

Amendment 283

Anthea McIntyre

Proposal for a directive

Article 2 – paragraph 1 – point e

Text proposed by the Commission

(e) “perishable *food products*” means *food products that will become unfit for human consumption unless they are stored, treated, packaged or otherwise conserved to prevent them from becoming*

Amendment

(e) “perishable *goods*” means *goods that rapidly decay due to their natural characteristics, in particular in the absence of appropriate storage conditions^{1a}.*

unfit.

1^a WTO definition

Or. en

Amendment 284

Paolo De Castro, Nicola Caputo, Ricardo Serrão Santos, Marc Tarabella, Marco Zullo

Proposal for a directive

Article 2 – paragraph 1 – point e

Text proposed by the Commission

(e) “perishable food products” means food products that ***will become unfit for human consumption unless they are stored, treated, packaged or otherwise conserved to prevent them from becoming unfit.***

Amendment

(e) “perishable ***agricultural and*** food products” means ***agricultural and*** food products that ***rapidly decay due to their natural characteristics, in particular in the absence of appropriate storage conditions.***

Or. en

Amendment 285

Sandra Kalniete

Proposal for a directive

Article 2 – paragraph 1 – point e

Text proposed by the Commission

(e) “perishable food products” means food products that will become unfit for ***human*** consumption unless they are stored, treated, packaged or otherwise conserved to prevent them from becoming unfit.

Amendment

(e) “perishable ***agricultural and*** food products” means ***agricultural and*** food products that will become unfit for ***proper use or*** consumption unless they are stored, treated, packaged or otherwise conserved to prevent them from becoming unfit.

Or. en

Amendment 286

Susanne Melior, Maria Noichl

Proposal for a directive

Article 2 – paragraph 1 – point e

Text proposed by the Commission

(e) “perishable food products” means food products that ***will become unfit for human consumption unless*** they are stored, ***treated, packaged or otherwise conserved to prevent them from becoming unfit.***

Amendment

(e) “perishable food products” means ***fresh*** food products that, ***by virtue of their microbiological properties, spoil quickly, in particular if*** they are ***not*** stored ***at the correct temperature or have not undergone treatment to prolong their shelf life.***

Or. de

Amendment 287

Maria Heubuch

on behalf of the Verts/ALE Group

Proposal for a directive

Article 2 – paragraph 1 – point e

Text proposed by the Commission

(e) “perishable food products” means food products that will become unfit for human consumption unless they are stored, treated, packaged or otherwise conserved to prevent them from becoming unfit.

Amendment

(e) “perishable food products” means ***fresh agricultural and*** food products that will become unfit for human consumption ***or proper use, in particular as a result of the product's microbiological instability,*** unless they are stored, treated, packaged or otherwise conserved to prevent them from becoming unfit.

Or. en

Amendment 288

Marijana Petir

Proposal for a directive

Article 2 – paragraph 1 – point e

Text proposed by the Commission

(e) “perishable food products” means food products that will become unfit for human consumption unless they are stored, treated, packaged or otherwise conserved to prevent them from becoming unfit.

Amendment

(e) “perishable ***agricultural and*** food products” means ***agricultural and*** food products that will become unfit for ***their intended use or*** human consumption unless they are stored, treated, packaged or

otherwise conserved to prevent them from becoming unfit.

Or. hr

Amendment 289
Peter Jahr

Proposal for a directive
Article 2 – paragraph 1 – point e

Text proposed by the Commission

(e) “perishable food products” means food products that will become unfit for human consumption unless they are stored, treated, packaged or otherwise conserved to prevent them from becoming unfit.

Amendment

(e) “perishable food products” means ***fresh agricultural or*** food products that will become unfit for human consumption ***or intended use*** unless they are stored, treated, packaged or otherwise conserved to prevent them from becoming unfit.

Or. en

Amendment 290
Hilde Vautmans

Proposal for a directive
Article 2 – paragraph 1 – point e

Text proposed by the Commission

(e) “perishable food products” means food products that ***will become unfit for human consumption unless they are stored, treated, packaged or otherwise conserved to prevent them from becoming unfit.***

Amendment

(e) “perishable food products” means ***fresh*** food products that ***rapidly decay due to their natural characteristics, in particular in the absence of appropriate storage conditions.***

Or. en

Justification

The definition is unclear and leads to uncertainty as to the intended purpose. The current definition could include canned or frozen foods, snacks and candy, which could be stored for months or even years. The new definition aims to provide legal certainty in line with the proposal's objectives on the definition of perishable food products.

Amendment 291
Laurențiu Rebegea

Proposal for a directive
Article 2 – paragraph 1 – point e

Text proposed by the Commission

(e) “perishable food products” means food products that will become unfit for **human** consumption unless they are stored, treated, packaged or otherwise conserved to prevent them from becoming unfit.

Amendment

(e) “perishable food products” means **agricultural and** food products that will become unfit for consumption unless they are stored, treated, packaged or otherwise conserved to prevent them from becoming unfit.

Or. ro

Amendment 292
Norbert Erdős

Proposal for a directive
Article 2 – paragraph 1 – point e

Text proposed by the Commission

(e) “perishable food products” means food products that will become unfit for human consumption unless they are stored, treated, packaged or otherwise conserved to prevent them from becoming unfit.

Amendment

(e) ‘perishable food products’ means food products that will become unfit for human consumption unless they are stored, treated, packaged or otherwise conserved to prevent them from becoming unfit.
Account must be taken of the 'use by' date, as set out in Article 24 of Regulation (EU) No 1169/2011 and Article 14 of Regulation (EC) No 178/2002.

Or. hu

Amendment 293
Eric Andrieu, Karine Gloanec Maurin

Proposal for a directive
Article 2 – paragraph 1 – point e

Text proposed by the Commission

(e) “perishable food products” means food products that will become unfit for

Amendment

(e) “perishable food products” means food products that will become unfit for

human consumption unless they are stored, treated, packaged or otherwise conserved to prevent them from becoming unfit.

human consumption unless they are stored, treated, packaged or otherwise conserved to prevent them from becoming unfit, ***with the exception of grapes and must intended for wine production.***

Or. fr

Justification

Grapes and musts for wine production are perishable products intended for processing and not for direct consumption. The marketing of these products can take place several years after the grapes are purchased. For that reason, the definition of a perishable foodstuff, as proposed by the Commission, should be clarified further to exclude grapes for winemaking from the scope of the Directive.

Amendment 294 **Marijana Petir**

Proposal for a directive **Article 2 – paragraph 1 – point b a (new)**

Text proposed by the Commission

Amendment

(b a) The "supply agreement" between the supplier and the buyer shall contain all provisions relevant to the business relationship of the contracting parties and must include, in particular, provisions on:

- the price of the product and/or the manner of determining or calculating the price,

- the quality and type of the agricultural or food product supplied to the trader,

- the terms and deadlines for payment for the supplied agricultural or food product – the payment deadline may not be longer than 30 days from the date of receipt of the agricultural or food product being supplied,

- the terms and deadlines for supply of the agricultural or food products covered by the contract,

- the place of supply of the agricultural or food product, and

- the duration of the agreement.

Amendment 295
Tom Vandenkendelaere

Proposal for a directive
Article 2 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) 'conciliation procedure' means a confidential procedure launched at the initiative of the enforcement authorities, with the joint consent of the buyer and the supplier, or at the request of the buyer or the supplier, to resolve their dispute amicably on a voluntary basis with the assistance of a mediator within two months.

Or. nl

Amendment 296
Maria Lidia Senra Rodríguez

Proposal for a directive
Article 2 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) 'supply contract' is a written agreement between a supplier and a buyer which clearly and transparently covers the relevant parts of the trade agreement, identifies the parties and establishes their rights and obligations price, duration, delivery and payment conditions, considerations, conclusion and termination of the contract.

Or. es

Amendment 297
Matt Carthy

Proposal for a directive
Article 2 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(e a) "producer organisation" for the purposes of this Directive means any producer organisation or association of producer organisations of which there is a voluntary cooperation of producers of agricultural products, which is owned and controlled by its user members and operates for the benefit of its user members.

Or. en

Justification

Confining the scope to producer organisations recognised for the purposes of existing legislation will exclude many other cooperatives.

Amendment 298
Othmar Karas

Proposal for a directive
Article 2 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(e a) "perishable agricultural products" means agricultural products listed in Annex I to the Treaty that will become unfit for human consumption unless they are stored, treated, packaged or otherwise conserved to prevent them from becoming unfit.

Or. en

Amendment 299
Bronis Ropè

Proposal for a directive
Article 2 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(e a) the average cost is the average cost recorded in the Member States for that product in the last quarter of the year.

Or. It

Amendment 300

Esther Herranz García, Ramón Luis Valcárcel Siso, Gabriel Mato, Pilar Ayuso

Proposal for a directive

Article 2 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(e a) “non-perishable products” means products other than those indicated in point e.

Or. en

Amendment 301

Maria Heubuch

on behalf of the Verts/ALE Group

Proposal for a directive

Article 2 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(b a) a “supply agreement” is a written agreement between a supplier and a buyer that clearly and transparently covers the relevant elements of the commercial agreement, including the names of the parties, their rights and obligations, price, duration, terms of delivery, terms of payment, as well as the cause, the execution of the contract and the effect of terminating the contract.

Or. en

Justification

This definition serves to develop and monitor the other elements proposed in the directive. To ensure transparency, it is necessary to have a written contract that allows to monitor and resolve abusive practices that are regulated and forbidden in the directive itself.

Amendment 302

Tom Vandenkendelaere

Proposal for a directive

Article 2 – paragraph 1 – point e b (new)

Text proposed by the Commission

Amendment

(eb) 'mediator' means a third party appointed by mutual agreement between the buyer and the supplier, regardless of the manner of his/her appointment, status or profession, who is called upon to mediate in an effective, impartial, independent and expert manner.

Or. nl

Amendment 303

Marc Tarabella, Clara Eugenia Aguilera García, Tibor Szanyi, Nicola Caputo, Karine Gloanec Maurin, Momchil Nekov

Proposal for a directive

Article 3 – paragraph –1 (new)

Text proposed by the Commission

Amendment

-1. Member States shall ensure that unfair commercial practices are prohibited.

Member States shall ensure that the abusive exploitation by a purchaser or a group of buyers of the state of economic dependence in which a supplier finds itself is prohibited.

Or. en

Justification

This amendment seeks to prohibit, as a matter of principle, UTPs between buyers and suppliers, and not just those covered by the restrictive list proposed by the Commission in the Article 3(1). All unfair commercial practices, as well as the exploitation of the state of economic dependence, must be prohibited, otherwise the directive would be deprived of real scope. The amendment is thus part of a more ambitious policy of sanctioning unfair commercial practices in the agro-food supply chain.

Amendment 304
Matt Carthy

Proposal for a directive
Article 3 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall ensure that **the following** trading practices are prohibited:

Amendment

1. Member States shall ensure that **unfair** trading practices are prohibited. **Furthermore Member states shall introduce a specific prohibition of at least the following practices:**

Or. en

Amendment 305
Maria Heubuch
on behalf of the Verts/ALE Group

Proposal for a directive
Article 3 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall ensure that **the following** trading practices are prohibited:

Amendment

1. Member States shall ensure that **all unfair** trading practices are prohibited, **including at least the following trading practices:**

Or. en

Amendment 306
Mairead McGuinness, Sofia Ribeiro, Michel Dantin, Angélique Delahaye, Peter Jahr, Herbert Dorfmann, Nuno Melo

Proposal for a directive
Article 3 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall ensure that the following trading practices are prohibited:

Amendment

1. Member States shall ensure that **at the minimum** the following **unfair** trading practices are prohibited:

Amendment 307

Michel Dantin

Proposal for a directive

Article 3 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall ensure that the following trading practices are prohibited:

Amendment

1. Member States shall ensure that the following **unfair** trading practices are prohibited, **at the very least**:

Or. fr

Justification

The purpose of this amendment is to clarify that the list proposed by the Directive is a minimum list of unfair commercial practices that may be prohibited by the Member States.

Amendment 308

Elsi Katainen, Ulrike Müller, Pavel Telička, Fredrick Federley, Jasenko Selimovic, Jan Huitema, Hilde Vautmans, Jean Arthuis

Proposal for a directive

Article 3 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall ensure that the following trading practices **are** prohibited:

Amendment

1. Member States shall ensure that the following trading practices **constitute** prohibited **trading arrangements**:

Or. en

Justification

This Directive should ensure that national laws and practices concerning contracts should be respected. Therefore it is important to specify that it is certain unfair trading arrangements that should be targeted.

Amendment 309

Paolo De Castro, Clara Eugenia Aguilera García, Ricardo Serrão Santos, Marco Zullo

Proposal for a directive

Article 3 – paragraph 1 – point a – introductory part

Text proposed by the Commission

(a) a buyer pays a supplier **for perishable food products** later than 30 calendar days **after the** receipt of the supplier's invoice or later than 30 calendar days after the date of delivery of the perishable food products, **whichever is the later**. **This prohibition** shall be without prejudice:

Amendment

(a) a buyer pays a supplier later than:
- 30 calendar days **starting from the last day of the month of** receipt of the supplier's invoice **for perishable agricultural and food products**, or later than 30 calendar days after the date of delivery of the perishable **agricultural and food products**; **or**
- **60 calendar days starting from the last day of the month of receipt of the supplier's invoice for non-perishable agricultural and food products**, **or** later than **60 calendar days after the date of delivery of the non-perishable agricultural and food products**.
Member States shall ensure that, in sales transactions and for services provided where the buyer is a public authority, these practices are equally prohibited. These prohibitions shall be without prejudice:

Or. en

Amendment 310 Michel Dantin

Proposal for a directive

Article 3 – paragraph 1 – point a – introductory part

Text proposed by the Commission

(a) a buyer pays a supplier **for perishable food products** later than 30 calendar days **after the** receipt of the supplier's invoice **or later than** 30 calendar days after the date of delivery of the perishable food products, **whichever is the later**. This prohibition shall be without prejudice:

Amendment

(a) a buyer pays a supplier later than:
- 30 calendar days **starting from the last day of the month of** receipt of the supplier's invoice **for perishable food products**, **or** 30 calendar days after the date of delivery of the **agricultural and** perishable food products;
- **more than 60 calendar days starting from the last day of the month of receipt of the supplier's invoice for non-perishable food products**, **or** **60 calendar days after the date of delivery of non-perishable food products**;

This prohibition shall be without prejudice:

Or. fr

Justification

The aim of this amendment is to clarify amendment 30 by the rapporteur, whose intention was to take account of the different regimes in force in the EU, in particular by clearly distinguishing between perishable and non-perishable products, and to avoid a situation in which one of the two options available for perishable and non-perishable products is favoured over the other because of its more relaxed character.

Amendment 311

Maria Lidia Senra Rodríguez

Proposal for a directive

Article 3 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) a buyer pays a supplier for perishable food products no later than 60 calendar days after the receipt of the supplier's invoice or no later than 60 calendar days after the date of delivery of the perishable food products, whichever is the later. This prohibition shall be without prejudice:

to the consequences of late payments and remedies as laid down in Directive 2011/7/EU;

to the option of a buyer and a supplier agreeing on a value-sharing clause within the meaning of Article 172 a) of Regulation (EU) No 1308/2013 of the European Parliament and of the Council.

Or. es

Amendment 312

Maria Heubuch

on behalf of the Verts/ALE Group

Proposal for a directive

Article 3 – paragraph 1 – point a a (new)

(a a) A buyer pays a supplier for non-perishable food products more than 60 calendar days after the receipt of the supplier's invoice or more than 60 calendar days after the date of the delivery of the non-perishable food products, if this date is later. This prohibition shall be without prejudice:

- to the consequences of late payments and remedies as laid down in Directive 2011/7/EU,

- to the option of a buyer and a supplier to agree on a value sharing clause within the meaning of Article 172a of Regulation (EU) No 1308/2013 of the European Parliament and of the Council.

Or. en

Amendment 313

Esther Herranz García, Ramón Luis Valcárcel Siso, Gabriel Mato, Pilar Ayuso

Proposal for a directive

Article 3 – paragraph 1 – point a a (new)

(a a) a buyer pays a supplier for non-perishable products later than 60 calendar days after the receipt of the supplier's invoice or later than 60 calendar days after the date of delivery of the perishable food products, whichever is the later. This prohibition is without prejudice:

- to the consequences of late payments and remedies as laid down in Directive 2011/7/EU;

- to the option of a buyer and a supplier to agree on a value sharing clause within the meaning of Article 172 a) of Regulation (EU) No1308/2013.

Or. en

Justification

This amendment enlarges the Directive's coverage to non-perishable products without prejudice of Directive 2011/7/EU on late payments and the "value sharing" clause introduced in the CMO Regulation.

Amendment 314 **Herbert Dorfmann**

Proposal for a directive **Article 3 – paragraph 1 – point a – introductory part**

Text proposed by the Commission

(a) a buyer pays a supplier **for perishable food products** later than 30 calendar days after the receipt of the supplier's invoice **or later than 30** calendar days after the **date of delivery of the perishable** food products, **whichever is the later. This prohibition shall be without prejudice:**

Amendment

(a) a buyer pays a supplier later than:
- 30 calendar days after the receipt of the supplier's invoice **for perishable agricultural and food products; or**
- **60** calendar days after the **receipt of the supplier's invoice or delivery for all other agricultural and** food products;
Member States shall ensure that, in sales transactions and for services provided where the buyer is a public authority, those practices are equally prohibited.

Or. it

Amendment 315 **Ivari Padar**

Proposal for a directive **Article 3 – paragraph 1 – point a – introductory part**

Text proposed by the Commission

(a) a buyer pays a supplier for **perishable** food products later than 30 calendar days after the receipt of the supplier's invoice or later than 30 calendar days after the date of delivery of the **perishable** food products, whichever is the later. This prohibition shall be without prejudice:

Amendment

(a) a buyer pays a supplier for food products **with a short time limit for storage** later than 30 calendar days after the receipt of the supplier's invoice or later than 30 calendar days after the date of delivery of the food products **with a short time limit for storage**, whichever is the later. This prohibition shall be without prejudice:

Or. et

Amendment 316
Marijana Petir

Proposal for a directive
Article 3 – paragraph 1 – point a – introductory part

Text proposed by the Commission

(a) a buyer pays a supplier for perishable food products later than 30 calendar days after the receipt of the supplier's invoice or later than 30 calendar days after the date of delivery of the perishable food products, whichever is the later. This prohibition shall be without prejudice:

Amendment

(a) a buyer pays a supplier for perishable ***agricultural or*** food products later than 30 calendar days after the receipt of the supplier's invoice or later than 30 calendar days after the date of delivery of the perishable ***agricultural or*** food products, whichever is the later. This prohibition shall be without prejudice:

Or. hr

Amendment 317
Othmar Karas

Proposal for a directive
Article 3 – paragraph 1 – point a – introductory part

Text proposed by the Commission

(a) a buyer pays a supplier for perishable food products later than 30 calendar days after the receipt of the supplier's invoice or later than 30 calendar days after the date of delivery of the perishable food products, whichever is the later. This prohibition shall be without prejudice:

Amendment

(a) a buyer pays a supplier for perishable food products later than 30 calendar days after the receipt of the supplier's invoice or later than 30 calendar days after the date of ***the contractually agreed*** delivery of the perishable food products, whichever is the later. This prohibition shall be without prejudice:

Or. en

Amendment 318
Susanne Melior, Maria Noichl

Proposal for a directive
Article 3 – paragraph 1 – point a – introductory part

Text proposed by the Commission

Amendment

(a) a buyer pays a supplier for perishable food products later than 30 calendar days after the receipt of the supplier's invoice or later than 30 calendar days after the ***date of*** delivery of the perishable food products, whichever is the later. This prohibition shall be without prejudice:

(a) a buyer pays a supplier for perishable food products later than 30 calendar days after the receipt of the supplier's invoice or later than 30 calendar days after the delivery of the perishable food products ***in accordance with the contract***, whichever is the later. This prohibition shall be without prejudice:

Or. de

Amendment 319
Bas Belder

Proposal for a directive
Article 3 – paragraph 1 – point a – introductory part

Text proposed by the Commission

Amendment

(a) a buyer pays a supplier for perishable food products later than 30 calendar days after the ***receipt of*** the supplier's invoice or later than 30 calendar days after the date of delivery of the perishable food products, whichever is the later. This prohibition shall be without prejudice:

(a) a buyer pays a supplier for perishable food products later than 30 calendar days after the ***date on*** the supplier's invoice or later than 30 calendar days after the date of delivery of the perishable food products, whichever is the later. This prohibition shall be without prejudice:

Or. en

Amendment 320
Anthea McIntyre

Proposal for a directive
Article 3 – paragraph 1 – point a – introductory part

Text proposed by the Commission

Amendment

(a) a buyer pays a supplier for perishable ***food products*** later than 30 calendar days after the receipt of the supplier's invoice or later than 30 calendar days after the date of delivery of the perishable food products, whichever is the later. This prohibition shall be without

(a) a buyer pays a supplier for perishable ***goods*** later than 30 calendar days after the receipt of the supplier's invoice or later than 30 calendar days after the date of delivery of the perishable food products, whichever is the later. This prohibition shall be without prejudice:

prejudice:

Or. en

Amendment 321

Paolo De Castro, Clara Eugenia Aguilera García, Nicola Caputo, Herbert Dorfmann, Ricardo Serrão Santos, Marc Tarabella, Marco Zullo

Proposal for a directive

Article 3 – paragraph 1 – point a – indent 1 a (new)

Text proposed by the Commission

Amendment

- *to the rules on payment terms laid down in the statute of a producer organization or of an association of producer organizations, including cooperatives, of which an agricultural producer is a member, if that statute contains rules enabling members to scrutinise democratically their organisation and its decisions;*

Or. en

Amendment 322

Michel Dantin, Angélique Delahaye

Proposal for a directive

Article 3 – paragraph 1 – point a – indent 2 a (new)

Text proposed by the Commission

Amendment

- *to agreements, decisions and concerted practices of interbranch organisations recognised under Article 157 of Regulation (EU) No 1308/2013, the aim of which is to modify the terms of payment for transactions relating to agricultural and food products falling under a quality scheme established in accordance with Regulation (EC) No 110/2008 of the European Parliament and of the Council, Regulation (EU) No 1151/2012 of the European Parliament and of the Council, Regulation (EU) No 1308/2013 and Regulation (EU) No*

Justification

The purpose of this amendment is to clarify that the payment deadlines for agri-food products according to labels and specifications can be adjusted by means of an inter-professional agreement.

Amendment 323

Susanne Melior

Proposal for a directive

Article 3 – paragraph 1 – point a – indent 2 a (new)

Text proposed by the Commission

Amendment

- *the option for a supplier to take the step of offering the buyer a longer payment deadline, in keeping with Directive 2011/7/EU.*

Justification

The supplier should be able to use longer payment deadlines as a negotiating tool if this is consistent with his business model.

Amendment 324

Clara Eugenia Aguilera García, Sergio Gutiérrez Prieto, Tibor Szanyi, Marc Tarabella, Ricardo Serrão Santos, Nikos Androulakis

Proposal for a directive

Article 3 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(d a) *an operator sells food or food products below costs. This practice exists when the price applied to a food product is lower than the purchase price as per invoice, less the proportional part of the discounts included in the invoice, or the actual cost of production if the good was produced by the seller himself, plus the*

indirect taxes charged on the transaction.

Or. en

Justification

It is necessary to expressly introduce a prohibition on the sale below costs (often as "loss leader" products) as one of the most common unfair and abusive trading practices affecting the farming sector.

Amendment 325

Eric Andrieu, Karine Gloanec Maurin

Proposal for a directive

Article 3 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) For transactions involving grapes and musts for wine production, the payment arrangements may be amended by means of a comprehensive inter-professional agreement, pursuant to Article 164 of Regulation (EU) No 1308/2013 of the European Parliament and the Council.

Or. fr

Justification

Les raisins et les moûts destinés à l'élaboration de vins sont des produits périssables destinés à la transformation et non pas à la mise à la consommation. La commercialisation de ces produits peut intervenir plusieurs années après l'achat de raisins. C'est pourquoi la mise en place de modalités de paiements dérogatoires pour l'achat de raisins destinés à l'élaboration des vins est indispensable pour garantir une juste rémunération aux vignerons et maintenir l'équilibre dans la trésorerie des acheteurs. Cet amendement vise donc à préciser que les délais de paiement concernant les raisins destinés à l'élaboration de vins peuvent être modifiés par voie d'accord interprofessionnel étendu.

Amendment 326

Miguel Viegas

Proposal for a directive

Article 3.º – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) business-to-business trading practices making it impossible to sell to any other enterprise at a lower price;

Or. pt

Amendment 327
Miguel Viegas

Proposal for a directive
Article 3.º – paragraph 1 – point a b (new)

Text proposed by the Commission

Amendment

(ab) business-to-business trading practices seeking to obtain prices, payment terms, selling arrangements, or cooperative marketing arrangements that are unreasonable compared with the general conditions of sale;

Or. pt

Amendment 328
Miguel Viegas

Proposal for a directive
Article 3.º – paragraph 1 – point a c (new)

Text proposed by the Commission

Amendment

(ac) business-to-business trading practices whereby an enterprise is unilaterally compelled, directly or indirectly:

(i) to promote a given product;

(ii) to make payments of any kind in return for a promotion;

Or. pt

Amendment 329
Miguel Viegas

Proposal for a directive
Article 3.º – paragraph 1 – point a d (new)

Text proposed by the Commission

Amendment

(ad) business-to-business trading practices whereby a consideration is obtained for ongoing promotions, or those which have already occurred, including discounts giving a right to compensation in the subsequent purchase of equivalent or other goods;

Or. pt

Amendment 330
Miguel Viegas

Proposal for a directive
Article 3.º – paragraph 1 – point a e (new)

Text proposed by the Commission

Amendment

(ae) trading practices employed by the buyer when the supplier is a micro or small enterprise, a producer organisation, or a cooperative, whereby delivered products are rejected or returned, on the grounds that all or part of the order is of inferior quality or the delivery was late, but the buyer fails to prove that the situation was caused by the supplier.

Or. pt

Amendment 331
Miguel Viegas

Proposal for a directive
Article 3.º – paragraph 1 – point a f (new)

Text proposed by the Commission

Amendment

(af) trading practices employed by the buyer when the supplier is a micro or small enterprise, a producer organisation, or a cooperative, whereby a payment is

charged, directly or in the form of a discount:

(i) because the buyer's expectations have not been met as regards the volume or value of sales;

(ii) for the introduction or reintroduction of products;

(iii) to compensate for costs arising out of a consumer complaint, except when the buyer proves that the complaint was due to the supplier's negligence, fault, or non-performance of the contract;

(iv) to cover any wastage of the supplier's products, except when the buyer proves that this was due to the supplier's negligence, fault, or non-performance of the contract;

(v) for transport and storage costs after the product has been delivered;

(vi) as a contribution towards the opening of new premises or the alteration of existing premises;

(vii) as a condition for entering into a business relationship with a supplier.

Or. pt

Amendment 332

Miguel Viegas

Proposal for a directive

Article 3.^o – paragraph 1 – point a h (new)

Text proposed by the Commission

Amendment

(ah) the imposition of, or an attempt to impose, a significant imbalance of rights and obligations in the business relationship before, during, and after the contract.

Or. pt

Amendment 333

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Miguel Viegas

Proposal for a directive

Article 3.º – paragraph 1 – point a i (new)

Text proposed by the Commission

Amendment

(ai) retaliatory practices by buyers, including, but not limited to, removal of products, discontinuance of data-sharing services, overuse of promotions, delaying payments, and unilateral deductions to secure better terms under existing contracts or when negotiating a new contract.

Or. pt

Amendment 334

Miguel Viegas

Proposal for a directive

Article 3.º – paragraph 1 – point a j (new)

Text proposed by the Commission

Amendment

(aj) sharing or improper use, whether deliberately or through negligence, of confidential information communicated by the supplier to the buyer, for example the substance of the contract and/or trade secrets that the supplier has shared with the buyer.

Or. pt

Amendment 335

Miguel Viegas

Proposal for a directive

Article 3.º – paragraph 1 – point a k (new)

Text proposed by the Commission

Amendment

(ak) causing or attempting to cause buyers' economic risks to shift to an unwarranted or excessively high degree

towards suppliers;

Or. pt

Amendment 336
Marijana Petir

Proposal for a directive
Article 3 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(a a) a buyer pays a supplier for agricultural or food products later than 30 calendar days after the receipt of the supplier's invoice or later than 30 calendar days after the date of delivery of the agricultural or food products, whichever is the later. This prohibition shall be without prejudice:

– to the consequences of late payments and remedies as laid down in Directive 2011/7/EU;

– to the option of a buyer and a supplier to agree on a value sharing clause within the meaning of Article 172 a) of Regulation (EU) No 1308/2013 of the European Parliament and of the Council^{1a}.

^{1a} Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671).

Or. hr