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*Plenary sitting*

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**A10-0153/2025**

30.7.2025

**\*\*\*I**

## **REPORT**

on the proposal for a regulation of the European Parliament and of the Council on cooperation among enforcement authorities responsible for the enforcement of Directive (EU) 2019/633 on unfair trading practices in business-to-business relationships in the agricultural and food supply chain (COM(2024)0576 – C10-0208/2024– 2024/0318(COD))

Committee on Agriculture and Rural Development

Rapporteur: Stefano Bonaccini

***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

***Amendments to a draft act*****Amendments by Parliament set out in two columns**

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

**Amendments by Parliament in the form of a consolidated text**

New text is highlighted in ***bold italics***. Deletions are indicated using either the ***■*** symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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## **DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION**

**on the proposal for a regulation of the European Parliament and of the Council on cooperation among enforcement authorities responsible for the enforcement of Directive (EU) 2019/633 on unfair trading practices in business-to-business relationships in the agricultural and food supply chain**

**(COM(2024)0576 – C10- 0208/2024– 2024/0318(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2024)0576)
  - having regard to Article 294(2) and Article 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C10-0208/2024),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the opinion of the European Economic and Social Committee of 27 March 2025<sup>1</sup>,
  - having regard to the opinion of the Committee of the Regions of 15 May 2025<sup>2</sup>,
  - having regard to Rule 60 of its Rules of Procedure,
  - having regard to the opinion of the Committee on the Internal Market and Consumer Protection,
  - having regard to the report of the Committee on Agriculture and Rural Development (A10-0153/2025),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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<sup>1</sup> Not yet published in the Official Journal.

<sup>2</sup> Not yet published in the Official Journal.

## Amendment 1

### Proposal for a regulation

#### Recital 1 a (new)

*Text proposed by the Commission*

*Amendment*

***(1a) The first evaluation of Directive (EU) 2019/633 together with a report on the main findings should be presented by the Commission by 1 November 2025. The report from the Commission on Implementing the prohibition of unfair trading practices to strengthen the position of farmers and operators in the agricultural and food supply chain - State of play of 23 April 2024 highlighted the persistence of imbalances within the agri-food chain, which increases the need for a legislative proposal amending that Directive in order to further step up protection for suppliers and ensure sufficient bargaining power to all operators by broadening its scope.***

## Amendment 2

### Proposal for a regulation

#### Recital 2

*Text proposed by the Commission*

*Amendment*

(2) Directive (EU) 2019/633 requires Member States to designate enforcement authorities that ensure the effective enforcement of the prohibitions laid down in that Directive. That Directive also requires the Commission and those enforcement authorities to cooperate closely to ensure a common approach with respect to the application of the rules set out in that Directive. In particular, the enforcement authorities should ***provide*** each other with mutual assistance, including by sharing information and assisting in investigations that have a

(2) Directive (EU) 2019/633 requires Member States to designate enforcement authorities that ensure the effective enforcement of the prohibitions laid down in that Directive. That Directive also requires the Commission and those enforcement authorities to cooperate closely to ensure a common approach with respect to the application of the rules set out in that Directive. In particular, the enforcement authorities should ***aim to prevent or stop unfair trading practices that have a cross-border dimension and that are performed in whole or in part on***

cross-border dimension.

***their respective territories. They should do so by providing*** each other with mutual assistance, including by sharing information and assisting in investigations that have a cross-border dimension.

### Amendment 3

#### Proposal for a regulation Recital 3

##### *Text proposed by the Commission*

(3) Due to the principle of territoriality, enforcement authorities may face difficulties gathering information, finding an infringement and imposing and enforcing fines and other equally effective penalties where a buyer is established in another Member State. Such difficulties affect the system of enforcement established by Directive (EU) 2019/633, which depends on cooperation between enforcement authorities, and may lead to an uneven enforcement of unfair trading practices, undermining the protection for suppliers of agricultural and food products intended by that Directive. It is therefore appropriate to establish rules strengthening cooperation between enforcement authorities in cross-border cases.

##### *Amendment*

(3) Due to the principle of territoriality, enforcement authorities may face difficulties gathering information, finding an infringement and imposing and enforcing fines and other equally effective penalties where a buyer ***or a supplier*** is established in another Member State ***or outside the Union, including when a buyer is member of one or more retail alliances, as those entities have an inherent cross-border purchasing strategy and might circumvent certain legal provisions, even when the acquired agricultural and food products are intended for the market of the Member State of the supplier.*** Such difficulties affect the system of enforcement established by Directive (EU) 2019/633, which depends on cooperation between enforcement authorities, and may lead to an uneven enforcement of unfair trading practices, undermining the protection for suppliers of agricultural and food products intended by that Directive. It is therefore appropriate to establish ***uniform*** rules strengthening cooperation between enforcement authorities in cross-border cases ***with the aim of reinforcing the position of farmers within the agricultural and food supply chain and of ensuring fairer standards of living for them.***

### Amendment 4

**Proposal for a regulation**  
**Recital 4**

*Text proposed by the Commission*

(4) Given that Directive (EU) 2019/633 allows Member States to maintain or introduce stricter national rules against unfair trading practices, it should be clarified that this Regulation does not cover those rules. However, the Regulation should allow the Member States to decide that their enforcement authorities can make use of the possibility to exchange information established under the mutual assistance mechanism set out by this Regulation in relation to such rules. In those cases, the enforcement authorities should still have the right to refuse to comply with such a request.

*Amendment*

(4) Given that Directive (EU) 2019/633 allows Member States to maintain or introduce stricter national rules against unfair trading practices, it should be clarified that this Regulation does not cover those rules. However, the Regulation should allow the Member States to decide that their enforcement authorities can make use of the possibility to exchange information established under the mutual assistance mechanism set out by this Regulation in relation to such rules. In those cases, ***provided that a reason is given for the refusal***, the enforcement authorities should still have the right to refuse to comply with such a request ***for assistance in the enforcement of Directive (EU) 2019/633, except when it concerns the breach of overriding mandatory provisions within the meaning of Article 9 of Regulation (EC) No 593/2008 of the European Parliament and of the Council<sup>1a</sup> that aim to guarantee the stable and sustainable supply of food products to consumers.***

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<sup>1a</sup> Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I) (OJ L 177, 4.7.2008, p. 6, ELI: <http://data.europa.eu/eli/reg/2008/593/oj>).

**Amendment 5**

**Proposal for a regulation**  
**Recital 5**

*Text proposed by the Commission*

(5) To ensure the effective application

*Amendment*

(5) To ensure the effective application



of their obligations under this Regulation, enforcement authorities should be provided with the necessary resources and expertise.

of their obligations under this Regulation, enforcement authorities should be provided with the necessary resources and expertise, ***including to avoid any charge for suppliers for submitting a complaint, to ensure confidentiality and to make available, in particular to agricultural and food producers, regulatory bodies and other responsible authorities, clear and accessible information on the possibilities for submitting a complaint.***

## Amendment 6

### Proposal for a regulation Recital 6

#### *Text proposed by the Commission*

(6) Enforcement authorities should have the power to provide one another with and use in evidence in accordance with their national law any matter of fact or of law, including confidential information. Information exchanged shall only be used in evidence for the purpose of applying the rules established by Directive (EU) 2019/633 and in respect of the subject-matter for which it was collected by the transmitting authority.

#### *Amendment*

(6) Enforcement authorities should have the power to provide one another with and use in evidence in accordance with their national law any matter of fact or of law, including confidential information, ***while paying particular attention to the protection of that information, assuring confidentiality and anonymity if requested by the complainant and applying the rules established by Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>1a</sup> and by Directive (EU) 2019/633.*** Information exchanged shall only be used in evidence for the purpose of applying the rules established by Directive (EU) 2019/633 and in respect of the subject-matter for which it was collected by the transmitting authority.

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***<sup>1a</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1, ELI:***

## Amendment 7

### Proposal for a regulation

#### Recital 7

##### *Text proposed by the Commission*

(7) Enforcement authorities should be empowered in their own territory to exercise the powers referred to in Article 6(1), points (b) **and** (c), of Directive (EU) 2019/633, in accordance with their national law, on behalf of and for the account of other enforcement authorities.

##### *Amendment*

(7) Enforcement authorities should be empowered in their own territory to exercise the powers referred to in Article 6(1), points (b), (c) **and (d)**, of Directive (EU) 2019/633, in accordance with their national law, on behalf of and for the account of other enforcement authorities.

## Amendment 8

### Proposal for a regulation

#### Recital 7 a (new)

##### *Text proposed by the Commission*

##### *Amendment*

**(7a) In order to increase the efficiency and effectiveness of this Regulation, to secure smooth cooperation between enforcement authorities and to avoid excessive costs for the requested enforcement authorities, rules on covering the costs of measures taken pursuant to this Regulation should be laid down. Moreover, enforcement authorities should be able to recover the costs incurred in relation to the enforcement from the fines collected.**

## Amendment 9

### Proposal for a regulation

#### Recital 8

##### *Text proposed by the Commission*

##### *Amendment*

(8) Enforcement authorities should

(8) Enforcement authorities should

inform one another of an unfair trading practice with a cross-border dimension that has occurred or is occurring in their territory.

inform one another ***and the Commission through a system for notifying alerts*** of an unfair trading practice with a cross-border dimension that has occurred or is occurring in their territory.

## Amendment 10

### Proposal for a regulation Recital 9

#### *Text proposed by the Commission*

(9) Enforcement authorities should be empowered in their own territory and in accordance with their national law to enforce, or initiate proceedings for the enforcement of, final decisions imposing fines or other equally effective penalties on behalf of and for the account of other enforcement authorities, provided that those other enforcement authorities have ***made reasonable efforts to ascertain that the buyers against which*** the fines or other equally effective penalties ***are to*** be enforced ***do not have sufficient assets*** in the Member States of those other enforcement authorities.

#### *Amendment*

(9) Enforcement authorities should be empowered in their own territory and in accordance with their national law to enforce, or initiate proceedings for the enforcement of, final decisions imposing fines or other equally effective penalties on behalf of and for the account of other enforcement authorities, provided that those other enforcement authorities have ***ascertained that*** the fines or other equally effective penalties ***cannot*** be enforced in the Member States of those other enforcement authorities.

## Amendment 11

### Proposal for a regulation Recital 10 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

***(10a) In order to increase the efficiency of cross-border cooperation between enforcement authorities, a procedural mechanism should be established to allow for the prioritisation of urgent requests. In this way, the requested enforcement authority will be better able to manage efforts to provide a response within the prescribed legal time limit, while respecting the principle of good cooperation and in the spirit of effective***

*protection of the legitimate interests of the affected parties in the agricultural and food supply chain. In addition to this, it would be useful to establish a mechanism for managing subsequent requests for clarification, without retaining the 45-day time limit.*

## Amendment 12

### Proposal for a regulation Recital 13

#### *Text proposed by the Commission*

(13) With a view to ensuring uniform conditions for the implementation of the measures laid down in this Regulation, implementing powers should be conferred on the Commission to be able to develop standard forms for requests for information or requests for enforcement measures. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>4</sup>. ***In the absence of standard forms developed by the Commission, the enforcement authorities should be entitled to develop such forms to facilitate the mutual assistance mechanism.***

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<sup>4</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13, ELI: <http://data.europa.eu/eli/reg/2011/182/oj>).

#### *Amendment*

(13) With a view to ensuring uniform conditions for the implementation of the measures laid down in this Regulation, implementing powers should be conferred on the Commission to be able to develop standard forms for requests for information, ***requests for mutual assistance*** or requests for enforcement measures, ***as well as standard procedures for prioritising urgent requests and for the issuing of alerts, the transmission of notifications, communications and information among enforcement authorities***. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>4</sup>.

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<sup>4</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13, ELI: <http://data.europa.eu/eli/reg/2011/182/oj>).

## Amendment 13

**Proposal for a regulation**  
**Recital 13 a (new)**

*Text proposed by the Commission*

*Amendment*

***(13a) As regards the refusal of cooperation between authorities, a mediation mechanism, coordinated or represented by the Commission, should be introduced to clarify ambiguities, to resolve potential disagreements or unjustified refusals to cooperate and to prevent blockages of the mutual assistance process.***

**Amendment 14**

**Proposal for a regulation**  
**Recital 14**

*Text proposed by the Commission*

*Amendment*

(14) Where a widespread unfair trading practice with a cross-border dimension, involving at least three Member States may be taking place, the enforcement authorities concerned by that practice should be able to issue alerts, engage in coordinated actions, and designate a coordinator to coordinate the cooperation among the relevant authorities in whose territories the practice may be taking place. To establish which enforcement authorities are concerned by a widespread unfair trading practice with a cross-border dimension, all relevant aspects should be considered, in particular the place where the buyer is established and the location of the suppliers that may be affected by the unfair trading practice. The detection of widespread unfair trading practices with a cross-border dimension should be supported by exchanging information between enforcement authorities when there is a reasonable suspicion of such unfair trading practices with a cross-border dimension. The coordinator should exercise its competence within a

(14) Where a widespread unfair trading practice with a cross-border dimension, involving at least three Member States may be taking place, the enforcement authorities concerned by that practice should be able to issue alerts ***through a dedicated system***, engage in coordinated actions, and designate a coordinator to coordinate the cooperation among the relevant authorities in whose territories the practice may be taking place. To establish which enforcement authorities are concerned by a widespread unfair trading practice with a cross-border dimension, all relevant aspects should be considered, in particular the place where the buyer is established and the location of the suppliers that may be affected by the unfair trading practice. The detection of widespread unfair trading practices with a cross-border dimension should be supported by exchanging information between enforcement authorities when there is a reasonable suspicion of such unfair trading practices with a cross-border dimension. The coordinator should

framework of close cooperation with the other enforcement authorities concerned. Likewise, all enforcement authorities concerned should actively engage in the investigation at an early stage, and issue alerts to the Commission and to the enforcement authorities concerned by a widespread unfair trading practice with a cross-border dimension and share the necessary information available to them about such practices.

exercise its competence within a framework of close cooperation with the other enforcement authorities concerned. Likewise, all enforcement authorities concerned should actively engage in the investigation at an early stage, and issue alerts to the Commission and to the enforcement authorities concerned by a widespread unfair trading practice with a cross-border dimension and share the necessary information available to them about such practices.

## Amendment 15

### Proposal for a regulation Article 1 – paragraph 1

#### *Text proposed by the Commission*

This Regulation lays down certain rules under which the enforcement authorities, having been designated by their Member States as responsible for the enforcement of the prohibition of unfair trading practices in business-to-business relationships in the agricultural and food supply chain under Directive (EU) 2019/633, cooperate and coordinate actions with each other.

#### *Amendment*

***With a view to combating practices that grossly deviate from good commercial conduct, that are contrary to good faith and fair dealing and that are unilaterally imposed by one trading partner on another,*** this Regulation lays down certain rules under which the enforcement authorities, having been designated by their Member States as responsible for the enforcement of the prohibition of unfair trading practices in business-to-business relationships in the agricultural and food supply chain under Directive (EU) 2019/633, cooperate and coordinate actions with each other ***and with the Commission, in order to ensure compliance, to safeguard sound competition and to maintain a level playing field in the internal market.***

## Amendment 16

### Proposal for a regulation Article 2 – paragraph 1 – subparagraph 1

*Text proposed by the Commission*

1. This Regulation applies to the enforcement of the prohibition of unfair trading practices in business-to-business relationships in the agricultural and food supply chain laid down in Article 3(1) and (2) of Directive (EU) 2019/633 with a cross-border dimension.

*Amendment*

1. This Regulation applies to the enforcement of the prohibition of unfair trading practices in business-to-business relationships in the agricultural and food supply chain laid down in Article 3(1) and (2) of Directive (EU) 2019/633 with a cross-border dimension, ***including when those unfair trading practices originate from operators whose practices have an inherent cross-border component, such as those of retail alliances.***

**Amendment 17**

**Proposal for a regulation**

**Article 2 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

However, ***Article 5*** of this Regulation also ***applies*** in relation to national rules within the meaning of Article 9 of Directive (EU) 2019/633 ***if the Member State so decides*** in accordance with ***paragraph 4 of that Article***.

*Amendment*

However, ***Articles 5, 6 and 7*** of this Regulation also ***apply*** in relation to national rules within the meaning of Article ***3(1), point (b), and Article 9*** of Directive (EU) 2019/633 ***in cases involving Member States where those Member States mutually so decided*** in accordance with ***Article 5(4), Article 6(3a) and Article 7(4a) of this Regulation***.

**Amendment 18**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point d**

*Text proposed by the Commission*

(d) ‘unfair trading practice with a cross-border dimension’ means any unfair trading practice within the meaning of Directive (EU) 2019/633 involving one supplier and one buyer that are located in different Member States;

*Amendment*

(d) ‘unfair trading practice with a cross-border dimension’ means any unfair trading practice within the meaning of Directive (EU) 2019/633 involving one supplier and one buyer that are located in ***at least two*** different Member States ***or involving one supplier or buyer that is***

*located within the Union and one supplier or buyer that is located outside the Union, or involving any unfair trading practice covered by stricter national rules that qualify as overriding mandatory provisions within the meaning of Article 9 of Regulation (EC) No 593/2008;*

## **Amendment 19**

### **Proposal for a regulation**

#### **Article 3 – paragraph 1 – point e**

*Text proposed by the Commission*

(e) ‘widespread unfair trading practice with a cross-border dimension’ means any unfair trading practice within the meaning of Directive (EU) 2019/633 involving at least three Member States;

*Amendment*

(e) ‘widespread unfair trading practice with a cross-border dimension’ means any unfair trading practice within the meaning of Directive (EU) 2019/633 involving *parties located in* at least three Member States *or parties located in at least two Member States and outside the Union;*

## **Amendment 20**

### **Proposal for a regulation**

#### **Article 3 – paragraph 1 – point f a (new)**

*Text proposed by the Commission*

*Amendment*

*(fa) ‘EU Responsible Person’ means any natural or legal person established within the Union who is designated by a buyer located outside the Union to act on the buyer's behalf in relation to the obligations set out under Directive (EU) 2019/633 and this Regulation.*

## **Amendment 21**

### **Proposal for a regulation**

#### **Article 3 a (new)**



*Text proposed by the Commission*

*Amendment*

**Article 3a**

**General principle**

***Member States shall take appropriate administrative and judicial steps to prevent or stop the unfair trading practices referred to in Article 3(1) and (2) of Directive (EU) 2019/633 that have a cross-border dimension and that are performed in whole or in part on their respective territories.***

**Amendment 22**

**Proposal for a regulation  
Article 4 – paragraph 1**

*Text proposed by the Commission*

Member States shall ensure that enforcement authorities have the ***necessary*** resources and expertise for the application of this Regulation.

*Amendment*

Member States shall ensure that enforcement authorities have the ***resources, including technical, financial and human*** resources, and expertise ***necessary*** for the application of this Regulation ***and for promoting awareness of the rights and obligations that it lays down, including making available clear, accessible and detailed information about its provisions to persons concerned and providing to them the advisory services needed for its application.***

**Amendment 23**

**Proposal for a regulation  
Article 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 4a**

***Implementation and confidentiality of information***

- 1. Member States shall ensure that enforcement authorities do not impose any charges on suppliers for submitting a complaint regarding an unfair trading practice with a cross-border dimension.*
- 2. For the purposes of this Regulation, the enforcement authorities shall have the power to provide one another with information and use in evidence any fact or matter of law, including confidential information.*
- 3. Information exchanged shall only be used for the purpose for which it was collected by the requested enforcement authority. It shall only be used in evidence for the purpose of applying this Regulation.*
- 4. When using information provided pursuant to paragraph 2, enforcement authorities shall have due regard to the legitimate interests of natural or legal persons, including protection of trade secrets and intellectual property rights.*
- 5. In cases where a complainant requests the protection of information, including the protection of the identity of the complainant, pursuant to Article 5(3) of Directive (EU) 2019/633, the enforcement authority receiving the complaint shall ask for the agreement of the complainant to provide the protected information to another enforcement authority.*

## **Amendment 24**

### **Proposal for a regulation Article 4 b (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 4b*

#### *EU Responsible Person*

- 1. Buyers located outside the Union shall designate an EU Responsible Person*

*before entering into a contractual relation on agricultural and food products within the meaning of Article 1(2) of Directive (EU) 2019/633 with a supplier located within the Union.*

*2. The terms of the designation shall constitute the EU Responsible Person's mandate. That mandate shall be valid from the moment that it is accepted in writing by the EU Responsible Person until its expiration or termination.*

*3. The EU Responsible Person shall perform the tasks specified in the mandate agreed with the buyer. The EU Responsible Person shall provide a copy of the mandate to the enforcement authority, upon request.*

*The mandate shall include at least the following tasks:*

- (a) to act as the primary point of contact for enforcement authorities and the Commission;*
- (b) to assume full financial and legal liability for the buyer's compliance with the obligations set out in Directive (EU) 2019/633 and in this Regulation;*
- (c) to maintain up-to-date records of the transactions in the Union of the buyer established outside the Union;*
- (d) to facilitate investigations, including providing documents, data and testimony to enforcement authorities or the Commission;*
- (e) to ensure compliance with final decisions, fines or penalties issued under the framework of Directive (EU) 2019/633 and of this Regulation;*
- (f) to terminate the mandate if the buyer acts contrary to its obligations set out in Directive (EU) 2019/633 and in this Regulation; the buyer shall ensure that the EU Responsible Person complies with the terms of its mandate in respect of those minimum required tasks.*

*An EU Responsible Person who terminates its mandate on the ground referred to in paragraph 3, point (f), shall immediately inform the enforcement authority of the Member State in which it is established of the termination of the mandate and of the reasons therefor.*

*4. When an unfair trading practice within the meaning of Article 3 of Directive (EU) 2019/633 is committed by a buyer established outside the Union, the EU Responsible Person may be held jointly and severally liable for the fines imposed on the person who designated it.*

## Amendment 25

### Proposal for a regulation Article 5 – paragraph 1

*Text proposed by the Commission*

1. At the request of an applicant enforcement authority, a requested enforcement authority shall, without delay, and within **60 days unless otherwise agreed**, provide the applicant enforcement authority with the information requested to establish whether an unfair trading practice in the Member State of the applicant enforcement authority with a cross-border dimension has occurred or is occurring.

*Amendment*

1. At the request of an applicant enforcement authority, a requested enforcement authority shall, without delay, and within **45 days from the date of receiving the request**, provide the applicant enforcement authority with the information requested to establish whether an unfair trading practice in the Member State of the applicant enforcement authority with a cross-border dimension has occurred or is occurring. **Where the applicant enforcement authority and the requested enforcement authority agree to an extension of that period of 45 days, it may be extended by an additional period of 45 days.**

## Amendment 26

### Proposal for a regulation Article 5 – paragraph 3

*Text proposed by the Commission*

3. The information provided shall only be collected by the requested enforcement authority and used by the applicant enforcement authority in accordance with their national law.

*Amendment*

3. The information provided shall only be collected by the requested enforcement authority and used by the applicant enforcement authority in accordance with their **respective** national laws **and with Regulation (EU) 2016/679**.

**Amendment 27**

**Proposal for a regulation**

**Article 5 – paragraph 4 – subparagraph 1**

*Text proposed by the Commission*

4. Member States may decide that enforcement authorities can make use of the possibilities referred to in this Article in relation to national rules within the meaning of Article 9 of Directive (EU) 2019/633.

*Amendment*

4. Member States may decide that enforcement authorities can make use of the possibilities referred to in this Article in relation to national rules within the meaning of Article **3(1), point (b), and Article 9** of Directive (EU) 2019/633 **that do not qualify as overriding mandatory provisions within the meaning of Article 9 of Regulation (EC) No 593/2008**.

**Amendment 28**

**Proposal for a regulation**

**Article 5 – paragraph 4 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***When an applicant enforcement authority makes use of the possibility provided for in subparagraph 1, it shall cite this Regulation as a legal basis, as well as the national law laying down the prohibition of the unfair trading practice concerned. It shall also state the purpose of the request, specify what information is required and describe the unfair trading practice concerned.***

## Amendment 29

### Proposal for a regulation

#### Article 5 – paragraph 4 – subparagraph 2

##### *Text proposed by the Commission*

When an applicant enforcement authority makes use of the possibility provided in subparagraph 1, the requested enforcement authority may refuse to provide information, **indicating** the reasons for the refusal.

##### *Amendment*

When an applicant enforcement authority makes use of the possibility provided **for** in subparagraph 1, the requested enforcement authority may **provide only partial information or** refuse to provide information. ***In such case, the requested enforcement authority shall duly justify the reasons for the incomplete response or for the refusal in a reasoned and objective reply. That reply shall be sent to the applicant enforcement authority within 45 days of the submission of its request.***

## Amendment 30

### Proposal for a regulation

#### Article 5 – paragraph 4 a (new)

##### *Text proposed by the Commission*

##### *Amendment*

***4a. In order to increase the efficiency of cross-border cooperation between enforcement authorities in the field of combating unfair commercial practices, a special procedural mechanism shall be established to enable urgent requests submitted by competent authorities in other Member States to be prioritised.***

## Amendment 31

### Proposal for a regulation

#### Article 5 – paragraph 4 b (new)

##### *Text proposed by the Commission*

##### *Amendment*

***4b. The Commission may adopt implementing acts laying down the special procedural mechanism for the prioritisation of urgent requests provided***

*for in paragraph 4a. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 21.*

## Amendment 32

### Proposal for a regulation Article 6 – paragraph 1

#### *Text proposed by the Commission*

1. At the request and on behalf of an applicant enforcement authority, the requested enforcement authority shall exercise, in accordance with the national rules of its Member State, the powers set out in Article 6(1), first subparagraph, points (a), (b) **and** (c), of Directive (EU) 2019/633.

#### *Amendment*

1. At the request and on behalf of an applicant enforcement authority, the requested enforcement authority shall exercise, in accordance with the national rules of its Member State, the powers set out in Article 6(1), first subparagraph, points (a), (b), (c) **and (d)**, of Directive (EU) 2019/633.

## Amendment 33

### Proposal for a regulation Article 6 – paragraph 2

#### *Text proposed by the Commission*

2. When a requested enforcement authority exercises the powers set out in Article 6(1), first subparagraph, points (a), (b) **and** (c), of Directive (EU) 2019/633 at the request and on behalf of an applicant enforcement authority, officials and other accompanying persons authorised or appointed by the applicant enforcement authority shall be permitted to attend and assist the requested enforcement authority, under the supervision of the officials of the requested enforcement authority.

#### *Amendment*

2. When a requested enforcement authority exercises the powers set out in Article 6(1), first subparagraph, points (a), (b), (c) **and (d)**, of Directive (EU) 2019/633 at the request and on behalf of an applicant enforcement authority, officials and other accompanying persons authorised or appointed by the applicant enforcement authority shall be permitted to attend and assist the requested enforcement authority, under the supervision of the officials of the requested enforcement authority.

## Amendment 34

**Proposal for a regulation**  
**Article 6 – paragraph 3**

*Text proposed by the Commission*

3. The requested enforcement authority shall inform the applicant enforcement authority about the steps and measures taken and the steps and measures that it intends to take.

*Amendment*

3. The requested enforcement authority shall inform the applicant enforcement authority ***without delay*** about the steps and measures taken and the steps and measures that it intends to take.

**Amendment 35**

**Proposal for a regulation**  
**Article 6 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. Member States may decide that enforcement authorities can make use of the possibilities referred to in this Article in relation to national rules within the meaning of Article 3(1), point (b), and Article 9 of Directive (EU) 2019/633 that do not qualify as overriding mandatory provisions within the meaning of Article 9 of Regulation (EC) No 593/2008.***

**Amendment 36**

**Proposal for a regulation**  
**Article 7 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. At the request of an applicant enforcement authority, the requested authority shall enforce, in accordance with its national law, final decisions imposing fines or other equally effective penalties and interim measures adopted in accordance with Article 6(1), first subparagraph, point (e), of Directive (EU) 2019/633.

1. At the request of an applicant enforcement authority, the requested authority shall enforce, ***without delay and*** in accordance with its national law, final decisions imposing fines or other equally effective penalties and interim measures adopted in accordance with Article 6(1), first subparagraph, point (e), of Directive (EU) 2019/633 ***by the Member State of the applicant enforcement authority.***



## Amendment 37

### Proposal for a regulation Article 7 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

**1a. Fines imposed in the framework of Directive (EU) 2019/633 and of this Regulation on buyers established outside the Union may be enforceable against their EU Responsible Persons.**

## Amendment 38

### Proposal for a regulation Article 7 – paragraph 2

*Text proposed by the Commission*

*Amendment*

2. Paragraph 1 shall apply only to the extent that, ***after having made reasonable efforts in its own territory***, the applicant enforcement authority has ascertained that the ***buyer against which the*** fine and the other penalties and interim measures are enforceable ***does not have sufficient assets*** in the territory of ***its*** Member State.

2. Paragraph 1 shall apply only to the extent that the applicant enforcement authority has ascertained that the fine and the other penalties and interim measures are ***not*** enforceable in the territory of ***the*** Member State ***of the applicant enforcement authority***.

## Amendment 39

### Proposal for a regulation Article 7 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

**2a. This Regulation shall be without prejudice to national rules laying down sanctions and penalties for engaging in unfair trading practices, as provided for in Directive (EU) 2019/633.**

## Amendment 40

**Proposal for a regulation**  
**Article 7 – paragraph 4**

*Text proposed by the Commission*

4. Questions regarding limitation periods for the enforcement of fines, other equally effective penalties and interim measures shall be governed by the national law of the Member State of the requested authority.

*Amendment*

4. Questions regarding limitation periods for the enforcement of fines, other equally effective penalties and interim measures shall be governed by the national law of the Member State of the requested ***enforcement*** authority.

**Amendment 41**

**Proposal for a regulation**  
**Article 7 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. Member States may decide that enforcement authorities can make use of the possibilities referred to in this Article in relation to national rules within the meaning of Article 3(1), point (b), and Article 9 of Directive (EU) 2019/633 that do not qualify as overriding mandatory provisions within the meaning of Article 9 of Regulation (EC) No 593/2008.***

**Amendment 42**

**Proposal for a regulation**  
**Article 7 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 7a***

***Costs***

- 1. Member States shall waive all claims for the reimbursement of costs incurred in applying this Regulation, with the exception of measures taken pursuant to Articles 5, 6 and 7.***
- 2. In relation to measures taken pursuant to Articles 5 and 6, the requested***

*enforcement authority may recover from the Member State of the applicant enforcement authority any costs and losses, including translation, labour and administrative costs, arising from measures that have been dismissed and held to be unfounded in a final decision by a court, as far as the substance of the infringement is concerned.*

*3. The requested enforcement authority shall recover the amounts due in the currency of its Member State, in accordance with its national law.*

*4. In relation to measures taken pursuant to Article 7, the requested enforcement authority may recover the full costs incurred from the fines collected on behalf of the applicant enforcement authority, including translation, labour and administrative costs.*

*5. If necessary, the requested enforcement authority shall, in accordance with its national law, convert the fines into the currency of its Member State at the rate of exchange applying on the date on which the fines were imposed.*

#### **Amendment 43**

##### **Proposal for a regulation Article 8 – title**

*Text proposed by the Commission*

*Amendment*

Notification *mechanism*

Notification *and alert system*

#### **Amendment 44**

##### **Proposal for a regulation Article 8 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

*An enforcement authority shall notify all other enforcement authorities within 1*

*1. A system for notifying alerts that an unfair trading practice with a cross-*

*month after adopting a decision establishing the occurrence of an unfair trading practice with a cross-border dimension in its Member State.*

*border dimension might be taking place is hereby established as a network. The Commission and the enforcement authorities shall each designate a single point of contact, which shall be a member of the network. The Commission shall be responsible for managing the network in order to aggregate complaints and identify patterns of abuse.*

## **Amendment 45**

### **Proposal for a regulation Article 8 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*1a. An enforcement authority shall notify the Commission and all other enforcement authorities within 30 days using the system laid down in paragraph 1 that an unfair trading practice with a cross-border dimension might be taking place in its Member State, regardless of whether it is taking place only within the Union or is taking place both within the Union and in one or more third countries.*

## **Amendment 46**

### **Proposal for a regulation Article 8 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

*1b. The enforcement authority shall, when issuing an alert referred to in paragraph 1, provide information about the suspected unfair trading practice with a cross-border dimension covered by this Regulation, including the following:*

*(a) a detailed description of the unfair trading practice with a cross-border dimension concerned under Directive (EU) 2019/633 and by reference to*

*national law;*

*(b) the Member States concerned or possibly concerned by the unfair trading practice with a cross-border dimension;*

*(c) the identity of the buyer or buyers suspected of committing the unfair trading practice with a cross-border dimension;*

*(d) a description of any legal proceedings, enforcement measures or other measures taken concerning the unfair trading practice with a cross-border dimension and their dates and duration, as well as the status thereof;*

*(e) the identities of the enforcement authorities bringing the proceedings and taking other measures.*

#### **Amendment 47**

##### **Proposal for a regulation**

##### **Article 8 – paragraph 1 c (new)**

*Text proposed by the Commission*

*Amendment*

*1c. Where a member of the network has information that an unfair trading practice with a cross-border dimension might be taking place, this information shall be notified to the Commission through the alert system within 30 days. The Commission shall transmit this information immediately to the members of the network. The Commission may supplement the notification with any information that is likely to facilitate rapid, appropriate action by enforcement authorities.*

#### **Amendment 48**

##### **Proposal for a regulation**

##### **Article 8 – paragraph 1 d (new)**

*Text proposed by the Commission*

*Amendment*

***1d. The enforcement authority may, when issuing an alert, request enforcement authorities in other Member States to verify whether, based on information that is available or accessible to the relevant enforcement authorities, the same unfair trading practices with a cross-border dimension might be taking place in the territory of those other Member States or whether any proceedings are pending or any enforcement measures have already been taken against those unfair trading practices in those Member States. The enforcement authorities in those other Member States shall inform the Commission without delay of the action implemented or the measures taken following receipt of the notifications transmitted under the alert system. The Commission shall transmit that information without delay to the members of the network.***

#### **Amendment 49**

#### **Proposal for a regulation Article 8 – paragraph 1 e (new)**

*Text proposed by the Commission*

*Amendment*

***1e. Participation in the alert system may be opened to third countries or international organisations, on the basis of agreements between the Union and those countries or international organisations.***

***For the purposes of the first subparagraph, the Commission shall ensure that third countries and international organisations do not have direct access to the identity of natural persons.***

## Amendment 50

### Proposal for a regulation Article 9 – paragraph 1

*Text proposed by the Commission*

1. The applicant enforcement authority shall, when making a request for mutual assistance, provide any relevant information necessary to enable the requested enforcement authority to fulfil that request, including any information that can be obtained only in the Member State of the applicant enforcement authority.

*Amendment*

1. The applicant enforcement authority shall, when making a request for mutual assistance, ***cite this Regulation as a basis, state the national law laying down the prohibition of the unfair trading practice concerned and the purpose of the request, specify the information required under Article 5(1) or the enforcement measures requested under Article 6 or 7, describe the unfair trading practice concerned*** and provide any relevant information necessary to enable the requested enforcement authority to fulfil that request, including any information that can be obtained only in the Member State of the applicant enforcement authority.

## Amendment 51

### Proposal for a regulation Article 9 – paragraph 2

*Text proposed by the Commission*

2. Requests for mutual assistance and all communications linked to them shall be made in writing using standard forms.

*Amendment*

2. Requests for mutual assistance and all communications linked to them shall be made in writing using standard forms ***laid down by the Commission in accordance with Article 12.***

## Amendment 52

### Proposal for a regulation Article 10 – paragraph 1 – introductory part

*Text proposed by the Commission*

1. A requested enforcement authority may refuse to comply with a request for

*Amendment*

1. A requested enforcement authority may refuse to comply with a request for

information under Article 5 only if one **or both** of the following applies:

information under Article 5(1) **in accordance with Article 4a**, only if **at least** one of the following applies:

### Amendment 53

#### Proposal for a regulation

##### Article 10 – paragraph 1 – point a

*Text proposed by the Commission*

(a) following a consultation with the applicant enforcement authority, the information requested is not needed by the applicant enforcement authority to establish whether an unfair trading practice with a cross-border dimension has occurred or is occurring;

*Amendment*

(a) following a consultation with the applicant enforcement authority, **both enforcement authorities agree that** the information requested is not needed by the applicant enforcement authority to establish whether an unfair trading practice with a cross-border dimension has occurred or is occurring;

### Amendment 54

#### Proposal for a regulation

##### Article 10 – paragraph 1 – point b

*Text proposed by the Commission*

(b) criminal investigations or judicial proceedings have already been initiated against the same buyer in respect of the same unfair trading practice before the authorities in the Member State of the requested enforcement authority or of the applicant enforcement authority.

*Amendment*

(b) criminal investigations or judicial proceedings have already been initiated against the same buyer in respect of the same unfair trading practice **towards the same supplier and in the same period** before the authorities in the Member State of the requested enforcement authority or of the applicant enforcement authority.

### Amendment 55

#### Proposal for a regulation

##### Article 10 – paragraph 2 – introductory part

*Text proposed by the Commission*

2. A requested enforcement authority may refuse to comply with a request for

*Amendment*

2. A requested enforcement authority may refuse to comply with a request for



enforcement measures under *Articles 6 and 7* only if, having consulted with the applicant enforcement authority, one *or both* of the following applies:

enforcement measures under *Article 6 in accordance with Article 4a*, only if, having consulted with the applicant enforcement authority *and the Commission*, *at least* one of the following applies:

## Amendment 56

### Proposal for a regulation

#### Article 10 – paragraph 2 – point a

##### *Text proposed by the Commission*

(a) criminal investigations or judicial proceedings have already been initiated, a judgment has been given, or a court settlement has been reached in respect of the same unfair *trade* practice before the judicial authorities in the Member State of the requested enforcement authority;

##### *Amendment*

(a) criminal investigations or judicial proceedings have already been initiated, *or* a judgment has been given *against the same buyer in respect of the same unfair trading practice towards the same supplier and in the same period*, or a court settlement has been reached *with the same buyer* in respect of the same unfair *trading* practice before the judicial authorities in the Member State of the requested enforcement authority;

## Amendment 57

### Proposal for a regulation

#### Article 10 – paragraph 2 – point b

##### *Text proposed by the Commission*

(b) the exercise of the necessary enforcement powers has already been initiated, or an administrative decision has already been adopted in respect of the same *intra-Union infringement and against* the same *trader* in the Member State of the requested authority in order to bring about the swift and effective cessation of the same unfair *trade* practice;

##### *Amendment*

(b) the exercise of the necessary enforcement powers has already been initiated, or an administrative decision has already been adopted *against the same buyer* in respect of the same *unfair trading practice towards* the same *supplier* in the Member State of the requested *enforcement* authority in order to bring about the swift and effective cessation of the same unfair *trading* practice;

## Amendment 58

## Proposal for a regulation

### Article 10 – paragraph 2 – point c

*Text proposed by the Commission*

(c) a criminal investigation or judicial proceedings have already been initiated **as regards** the same buyer in respect of the same unfair **trade** practice before the judicial authorities of the applicant;

*Amendment*

(c) a criminal investigation or judicial proceedings have already been initiated **against** the same buyer in respect of the same unfair **trading** practice **towards the same supplier** before the judicial authorities **in the Member State** of the applicant **enforcement authority**;

## Amendment 59

## Proposal for a regulation

### Article 10 – paragraph 2 – point d

*Text proposed by the Commission*

(d) the applicant enforcement authority has not provided the information that is necessary in accordance with Article 5.

*Amendment*

(d) the applicant enforcement authority has not provided the information that is necessary **to act on a complaint** in accordance with Article 5.

## Amendment 60

## Proposal for a regulation

### Article 10 – paragraph 3

*Text proposed by the Commission*

3. The requested enforcement authority shall inform the applicant enforcement authority of any refusal to comply with a request for mutual assistance, together with the reasons for that refusal.

*Amendment*

3. The requested enforcement authority shall inform **without delay** the applicant enforcement authority **and the Commission** of any refusal to comply with a request for mutual assistance, together with the reasons for that refusal.

## Amendment 61

## Proposal for a regulation

### Article 11 – paragraph 2

*Text proposed by the Commission*

2. If no agreement can be reached between the enforcement authorities concerned, requests for mutual assistance shall be sent in the official language, or one of the official languages, of the Member State of the applicant enforcement authority and replies in the official language, or one of the official languages, of the Member State of the requested enforcement authority.

*Amendment*

2. If no agreement can be reached between the enforcement authorities concerned, requests for mutual assistance shall be sent in the official language, or one of the official languages, of the Member State of the applicant enforcement authority, ***accompanied by a courtesy translation in English***, and replies in the official language, or one of the official languages, of the Member State of the requested enforcement authority, ***accompanied by a courtesy translation in English***.

**Amendment 62**

**Proposal for a regulation  
Article 12 – paragraph 1**

*Text proposed by the Commission*

The Commission ***may*** adopt implementing acts laying down standard forms for the requests of mutual assistance under Article 9(2).

*Amendment*

***By ... [6 months from the entry into force of this Regulation], the Commission shall*** adopt implementing acts laying down:

- (a)*** standard forms for the requests of mutual assistance under Article 9(2);
- (b)*** ***the measures for implementing Article 8, in particular the specific conditions and standard procedures applicable to the issuing of alerts and the transmission of notifications, communications and information among enforcement authorities.***

**Amendment 63**

**Proposal for a regulation  
Article 12 – paragraph 2**

*Text proposed by the Commission*

The implementing acts referred to in ***the***

*Amendment*

The implementing acts referred to in ***this***

**first paragraph** shall be adopted in accordance with the examination procedure referred to in Article 21.

**Article** shall be adopted in accordance with the examination procedure referred to in Article 21.

#### Amendment 64

##### Proposal for a regulation Article 13 – paragraph 2

###### *Text proposed by the Commission*

2. The enforcement authorities concerned by the widespread unfair trading practice with a cross-border dimension shall designate an enforcement authority to be the coordinator.

###### *Amendment*

2. The enforcement authorities concerned by the widespread unfair trading practice with a cross-border dimension shall designate, **by common agreement**, an enforcement authority to be the coordinator. ***If those enforcement authorities are unable to reach an agreement on that designation, the enforcement authority that has issued the alert pursuant to Article 19 shall be the coordinator. That enforcement authority shall be assisted in the exercise of its powers by the other enforcement authorities concerned and by the Commission, in order to facilitate efficient cooperation among enforcement authorities, safeguard fair competition and protect vulnerable suppliers.***

#### Amendment 65

##### Proposal for a regulation Article 13 – paragraph 3

###### *Text proposed by the Commission*

3. The enforcement authorities concerned by the widespread unfair trading practice with a cross-border dimension shall conduct investigations on the basis of information that is available to them. **They** shall notify the results of such investigations to the other enforcement authorities, pursuant to Article 19.

###### *Amendment*

3. The enforcement authorities concerned by the widespread unfair trading practice with a cross-border dimension shall conduct investigations on the basis of information that is available to them. **The coordinator** shall notify the results of such investigations to the other enforcement authorities, pursuant to Article 19.

## Amendment 66

### Proposal for a regulation

#### Article 13 – paragraph 5 – point a

*Text proposed by the Commission*

- a) the Member States where the buyers are established;

*Amendment*

- a) the Member States **or the third country** where the buyers are established;

## Amendment 67

### Proposal for a regulation

#### Article 14 – paragraph 1 – point a

*Text proposed by the Commission*

- (a) a criminal investigation or judicial proceedings have already been initiated, a judgment has been given, or a court settlement has been reached in respect of the same buyer and concerning the same unfair trading practice in that enforcement authority's Member State;

*Amendment*

- (a) a criminal investigation, **administrative** or judicial proceedings have already been initiated, a judgment has been given, or a court settlement has been reached in respect of the same buyer **or buyers** and concerning the same unfair trading practice **towards the same supplier or suppliers and in the same period** in that enforcement authority's Member State;

## Amendment 68

### Proposal for a regulation

#### Article 14 – paragraph 1 – point b

*Text proposed by the Commission*

- (b) the enforcement authority has already initiated investigations before the issuing of an alert referred to in Article 19, or an administrative decision has been adopted against the same buyer in respect of the same unfair trading practice in that enforcement authority's Member State to bring about the cessation of the widespread unfair trading practice with a cross-border dimension;

*Amendment*

- (b) the enforcement authority has already initiated investigations before the issuing of an alert referred to in Article 19, or an administrative decision has been adopted against the same buyer **or buyers** in respect of the same unfair trading practice **towards the same supplier or suppliers and in the same period** in that enforcement authority's Member State to bring about the cessation of the widespread unfair trading practice with a cross-border dimension;

## Amendment 69

### Proposal for a regulation Article 14 a (new)

*Text proposed by the Commission*

*Amendment*

#### **Article 14a**

##### **Mediation mechanism**

***The Commission shall act as a mediation mechanism for the resolution of potential disagreements between Member States and refusals of cooperation for no objective reason, and to prevent blockages in the mutual assistance process.***

## Amendment 70

### Proposal for a regulation Article 15 – title

*Text proposed by the Commission*

*Amendment*

***Investigation*** measures in coordinated actions

***Investigative*** measures in coordinated actions

## Amendment 71

### Proposal for a regulation Article 15 – paragraph 1

*Text proposed by the Commission*

*Amendment*

1. The enforcement authorities concerned by the coordinated action shall ensure that investigations and inspections are conducted in a coordinated manner. They shall seek to conduct investigations and inspections and, to the extent that national law so allows, to apply interim measures simultaneously with one another.

1. The enforcement authorities concerned by the coordinated action shall ensure that investigations and inspections are conducted in a ***timely, effective, and*** coordinated manner. They shall seek to conduct investigations and inspections and, to the extent that national law so allows, to apply interim measures simultaneously with one another.

## Amendment 72

### Proposal for a regulation Article 15 – paragraph 2

*Text proposed by the Commission*

2. The enforcement authorities concerned by the coordinated action shall set out the outcome of the investigation and the assessment of the widespread unfair trading practice with a cross-border dimension in a ***common position***, summarising the national decisions adopted.

*Amendment*

2. The enforcement authorities concerned by the coordinated action shall set out the outcome of the investigation and the assessment of the widespread unfair trading practice with a cross-border dimension in a ***joint statement***, summarising the national decisions adopted.

## Amendment 73

### Proposal for a regulation Article 15 – paragraph 3

*Text proposed by the Commission*

3. Without prejudice to the rules on confidentiality and on professional and trade secrecy laid down in Directive (EU) 2016/943 of the European Parliament and of the Council<sup>6</sup>, the enforcement authorities concerned by the coordinated action shall publish the ***common position*** or parts thereof on their websites and inform the Commission of the publication.

*Amendment*

3. Without prejudice to the rules on confidentiality and on professional and trade secrecy laid down in Directive (EU) 2016/943 of the European Parliament and of the Council<sup>6</sup>, the enforcement authorities concerned by the coordinated action shall publish the ***joint statement*** or parts thereof on their websites and inform the Commission of the publication.

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<sup>6</sup> Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure (OJ L 157, 15.6.2016, p. 1, ELI: <http://data.europa.eu/eli/dir/2016/943/oj>).

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<sup>6</sup> Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure (OJ L 157, 15.6.2016, p. 1, ELI: <http://data.europa.eu/eli/dir/2016/943/oj>).

## Amendment 74

### Proposal for a regulation Article 16 – paragraph 1

*Text proposed by the Commission*

1. The enforcement authorities concerned by the coordinated action shall take within their jurisdiction all necessary enforcement measures under Article 6 of Directive (EU) 2019/633 against the buyer responsible for the widespread unfair trading practice with a cross-border dimension to bring about the cessation of that unfair trading practice.

*Amendment*

1. The enforcement authorities concerned by the coordinated action shall take within their jurisdiction all necessary enforcement measures under Article 6 of Directive (EU) 2019/633 against the buyer **or buyers** responsible for the widespread unfair trading practice with a cross-border dimension to bring about the cessation of that unfair trading practice.

**Amendment 75**

**Proposal for a regulation  
Article 17 – paragraph 2**

*Text proposed by the Commission*

2. The coordinator referred to in Article 13(2) shall notify, where applicable, the enforcement authorities of the Member States concerned by the coordinated action of the cessation of the coordinated action **without delay**.

*Amendment*

2. The coordinator referred to in Article 13(2) shall notify, where applicable **and without undue delay**, the enforcement authorities of the Member States concerned by the coordinated action **and the Commission** of the cessation of the coordinated action.

**Amendment 76**

**Proposal for a regulation  
Article 18 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) ensure that the enforcement authorities concerned are duly informed, in a timely manner, of the progress of the investigation or of the enforcement action, and informed of any anticipated next steps and the measures to be adopted;

*Amendment*

(a) ensure that the enforcement authorities concerned **and the Commission** are duly informed, in a timely manner, of the progress of the investigation or of the enforcement action, and informed of any anticipated next steps and the measures to be adopted;

**Amendment 77**



## Proposal for a regulation

### Article 18 – paragraph 1 – point d

*Text proposed by the Commission*

(d) maintain contact with the buyer and other parties concerned by the investigation or enforcement measures, as applicable, unless otherwise agreed by the enforcement authorities concerned and the coordinator;

*Amendment*

(d) ***inform the buyer or buyers about the launch of a coordinated action and*** maintain contact with the buyer ***or buyers*** and other parties concerned by the investigation or enforcement measures, as applicable, unless otherwise agreed by the enforcement authorities concerned and the coordinator;

## Amendment 78

## Proposal for a regulation

### Article 19 – paragraph 1

*Text proposed by the Commission*

1. An enforcement authority shall without delay alert the Commission and the other enforcement authorities that a widespread unfair trading practice with a cross-border dimension ***may*** be taking place.

*Amendment*

1. An enforcement authority shall without delay alert the Commission and the other enforcement authorities that a widespread unfair trading practice with a cross-border dimension ***might*** be taking place, ***regardless of whether it is only taking place within the Union or is taking place both within the Union and in one or more third countries. For that purpose, the enforcement authority shall use the system laid down in Article 8, which shall apply mutatis mutandis.***

## Amendment 79

## Proposal for a regulation

### Article 19 – paragraph 2

*Text proposed by the Commission*

2. ***The enforcement authority shall, when issuing an alert referred to in paragraph 1, provide information about the suspected widespread unfair trading practice with a cross-border dimension covered by this Regulation, including, the***

*Amendment*

***deleted***

*following:*

- (a) a description of the widespread unfair trading practice with a cross-border dimension;*
- (b) details of the subject matter of the widespread unfair trading practice with a cross-border dimension;*
- (c) the Member States concerned or possibly concerned by the widespread unfair trading practice with a cross-border dimension;*
- (d) the identity of the buyer or buyers suspected of committing the widespread unfair trading practice with a cross-border dimension;*
- (e) the unfair trading practice concerned under Directive (EU) 2019/633 and by reference to national law;*
- (f) a description of any legal proceedings, enforcement measures or other measures taken concerning the widespread unfair trading practice with a cross-border dimension and their dates and duration, as well as the status thereof;*
- (g) the identities of the enforcement authorities bringing the proceedings and taking other measures.*

## **Amendment 80**

### **Proposal for a regulation Article 19 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. *The enforcement authority may, when issuing an alert, request enforcement authorities in other Member States to verify whether, based on information that is available or easily accessible to the relevant enforcement authorities, the same widespread unfair trading practices may be taking place in* **deleted**

*the territory of those other Member States or whether any proceedings are pending or any enforcement measures have already been taken against such unfair trading practices in those Member States. The enforcement authorities in those other Member States shall reply to the request without delay.*

## **Amendment 81**

### **Proposal for a regulation Article 20 – paragraph 2**

*Text proposed by the Commission*

2. If no agreement can be reached between the enforcement authorities concerned, notifications and other communications shall be sent in the official language or one of the official languages of the Member State making the notification or other communication.

*Amendment*

2. If no agreement can be reached between the enforcement authorities concerned, notifications and other communications shall be sent in the official language or one of the official languages of the Member State making the notification or other communication, *accompanied by a courtesy translation in English.*

## **Amendment 82**

### **Proposal for a regulation Article 20 a (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 20a*

#### *Cooperation in relation to suppliers or buyers established outside the Union*

1. *This Article applies to unfair trading practices within the meaning of Article 3(1) and (2) of Directive (EU) 2019/633 with a cross-border dimension that occur between buyers and suppliers referred to in Article 1(2) of Directive (EU) 2019/633 where either the supplier or the buyer is established outside the Union.*

2. *With a view to establishing*

*whether an unfair trading practice has occurred or is occurring in the territory of its Member State, an enforcement authority may request information from an enforcement authority of another Member State. Article 4a, Article 5(1), (2) and (3), Article 7a, Article 8, Article 9, Article 10(1) and Article 11 shall apply to such requests mutatis mutandis.*

*3. When it suspects that an unfair trading practice by a buyer, irrespective of its place of establishment, takes place and that unfair trading practice might occur in at least three Member States, an enforcement authority may alert the Commission and other enforcement authorities concerned of those suspicions. Article 4(a), Article 19 and Article 20 shall apply to those alerts mutatis mutandis.*

## **Amendment 83**

### **Proposal for a regulation Article 20 b (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 20b**

##### **Reporting**

*Member States shall ensure that their enforcement authorities include in the annual report referred to in Article 10(2) of Directive (EU) 2019/633 details of any of their activities falling within the scope of this Regulation. Those details shall, inter alia, include the number of requests received by applicant enforcement authorities, in accordance with Articles 5, 6, 7 and 9 of this Regulation, as well as the number of coordinated actions for widespread unfair trading practices with a cross-border dimension, in accordance with Article 13 of this Regulation, opened or closed during the previous year.*

*For each request or action that has been concluded, the report shall contain a summary description of the matter and of the steps and measures taken.*

## **Amendment 84**

### **Proposal for a regulation Article 21 a (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 21a*

#### *Evaluation*

**1. By ... [+ 3 years from the adoption of this Regulation], the Commission shall carry out the first evaluation of this Regulation and shall present a report on the main findings of that evaluation to the European Parliament and to the Council, as well as to the European Economic and Social Committee and the Committee of the Regions. That report shall be accompanied, if appropriate, by a legislative proposal.**

**The Commission shall base the report on the annual reports referred to in Article 10(2) of Directive (EU) 2019/633. The Commission may, if necessary, request additional information from Member States.**

**2. That report shall include an assessment of:**

**(a) the effectiveness and proportionality of the cooperation mechanisms established under this Regulation in enforcing the rules laid down in Directive (EU) 2019/633;**

**(b) any significant changes in the level of administrative burden and compliance costs for Member States and businesses, especially small and medium-sized enterprises and primary producers;**

*(c) the evolution of enforcement activity, including the identification of the most frequent types of cross-border unfair trading practices, the most affected sectors, and buyer or buyers types most commonly involved.*

## ANNEX: DECLARATION OF INPUT

Pursuant to Article 8 of Annex I to the Rules of Procedure, the rapporteur declares that he included in his report input on matters pertaining to the subject of the file that he received, in the preparation of the report, prior to the adoption thereof in committee, from the following interest representatives falling within the scope of the Interinstitutional Agreement on a mandatory transparency register<sup>1</sup>, or from the following representatives of public authorities of third countries, including their diplomatic missions and embassies:

<b>1. Interest representatives falling within the scope of the Interinstitutional Agreement on a mandatory transparency register</b>
Oxfam
Fair Trade Advocacy
Accademia dei Georgofili
LegaCoop
Centromarca
<b>2. Representatives of public authorities of third countries, including their diplomatic missions and embassies<sup>(3)</sup></b>

The list above is drawn up under the exclusive responsibility of the rapporteur.

Where natural persons are identified in the list by their name, by their function or by both, the rapporteur declares that he submitted to the natural persons concerned the European Parliament's Data Protection Notice No 484 (<https://www.europarl.europa.eu/data-protect/index.do>), which sets out the conditions applicable to the processing of their personal data and the rights linked to that processing.

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<sup>1</sup> Interinstitutional Agreement of May 2021 between the European Parliament, the Council of the European Union and the European Commission on a mandatory transparency register (OJ L 207, 11.6.2021, p. 1, ELI: [http://data.europa.eu/eli/agree\\_interinstit/2021/611/oj](http://data.europa.eu/eli/agree_interinstit/2021/611/oj)).

27.6.2025

## **OPINION OF THE COMMITTEE ON THE INTERNAL MARKET AND CONSUMER PROTECTION**

for the Committee on Agriculture and Rural Development

on the proposal for a regulation of the European Parliament and of the Council on cooperation among enforcement authorities responsible for the enforcement of Directive (EU) 2019/633 on unfair trading practices in business-to-business relationships in the agricultural and food supply chain

(COM(2024)0576 – C10-0208/2024 – 2024/0318(COD))

Rapporteur for opinion: Adnan Dibrani

### **SHORT JUSTIFICATION**

The European Commission's proposal for a "Regulation on cooperation among enforcement authorities responsible for the enforcement of Directive (EU) 2019/633 on unfair trading practices in business-to-business relationships in the agricultural and food supply chain" seeks to complement Directive (EU) 2019/633 by strengthening the ability of enforcement authorities to cooperate in cases of cross-border Unfair Trading Practices (UTPs). In fact, the experience of enforcement authorities has been that the rules in place for this are not sufficient. By providing a new legal basis, this Regulation puts forwards necessary tools to ensure that the enforcement authorities can gather information, find infringements, and impose and enforce fines and other equally effective penalties against buyers located in another Member State.

The Rapporteur supports the objective of the Commission's proposal to strengthen the ability of the enforcement authorities to cooperate in cases of cross-border UTP. This will deepen the internal market and ensure a level playing field, which ensures sound competition that is ultimately to the benefit of the consumer. His proposal therefore aims at improving the conditions for efficient cooperation between the enforcement authorities by further clarifying many practical aspects laid down in the Regulation.

In this regard, the Rapporteur suggests several elements to improve the framework of cooperation. When receiving a request for mutual assistance, the Rapporteur suggests giving the requested authority the possibility to judge what information is actually relevant and necessary based on the request and their available resources. He also suggests that enforcement authorities should duly justify any refusal to cooperate with each other but should also be able to refuse if the request is disproportionate, out of scope or in contradiction with national law. Moreover, given the limited resources of national authorities, the Rapporteur emphasises the need for clarity on cost sharing between authorities to diminish practical barriers to cross-border cooperation. Additionally, the Rapporteur seeks to provide



guidance on which enforcement authority should be assigned the role of coordinator for coordinated actions in case of disagreement. The Rapporteur also proposes to be more precise regarding the timeframes proposed in the Regulation.

Furthermore, the Rapporteur believes it to be useful for the Commission to provide an opinion in cases of disagreement between enforcement authorities. He also believes that the Commission should set up standard forms for the requests for mutual assistance and provides certain precisions as to the content of those forms.

Finally, the Rapporteur considers that this regulation should be coherent with similar regulations, in particular Regulation (EU) 2017/2394 on cooperation between national authorities responsible for the enforcement of consumer protection laws.

## AMENDMENTS

The Committee on the Internal Market and Consumer Protection submits the following to the Committee on Agriculture and Rural Development, as the committee responsible:

### Amendment 1

#### Proposal for a regulation Recital 1

*Text proposed by the Commission*

(1) Directive (EU) 2019/633 of the European Parliament and of the Council<sup>3</sup> introduced a minimum Union standard of protection against unfair trading practices to reduce the occurrence of practices which are likely to have a negative impact on the living standards of the agricultural community.

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<sup>3</sup> Directive (EU) 2019/633 of the European Parliament and of the Council of 17 April 2019 on unfair trading practices in business-to-business relationships in the agricultural and food supply chain (OJ L 111, 25.4.2019, p. 59, ELI: <http://data.europa.eu/eli/dir/2019/633/oj>).

*Amendment*

(1) ***In the agricultural and food supply chain, substantial imbalances in bargaining power between suppliers and buyers could often result in unfair trading practices.*** Directive (EU) 2019/633 of the European Parliament and of the Council<sup>3</sup> introduced a minimum Union standard of protection against unfair trading practices to reduce the occurrence of practices which are likely to have a negative impact on the living standards of the agricultural community. ***Furthermore, efficient enforcement is also central to ensuring sound competition, a level playing field as well as the protection of vulnerable actors in the internal market.***

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<sup>3</sup> Directive (EU) 2019/633 of the European Parliament and of the Council of 17 April 2019 on unfair trading practices in business-to-business relationships in the agricultural and food supply chain (OJ L 111, 25.4.2019, p. 59, ELI: <http://data.europa.eu/eli/dir/2019/633/oj>).

### Amendment 2

#### Proposal for a regulation Recital 3

*Text proposed by the Commission*

(3) ***Due to the principle of***

*Amendment*

(3) ***As Directive (EU) 2019/633 does***

***territoriality***, enforcement authorities may face difficulties gathering information, finding an infringement and imposing and enforcing fines and other equally effective penalties where a buyer is established in another Member State. Such difficulties affect the system of enforcement established by Directive (EU) 2019/633, which depends on cooperation between enforcement authorities, and may lead to an uneven enforcement of unfair trading practices, undermining the protection for suppliers of agricultural and food products intended by that Directive. ***It is therefore appropriate to establish rules strengthening cooperation between enforcement authorities in cross-border cases.***

***not provide a sufficient legal basis for mutual assistance in cross-border investigations in all situations***, enforcement authorities may face difficulties gathering information, finding an infringement and imposing and enforcing fines and other equally effective penalties where a buyer is established in another Member State. ***This is particularly true for European retail alliances, which are very large transnational entities whose practices have an inherent cross-border component.*** Such difficulties affect the system of enforcement established by Directive (EU) 2019/633, which depends on cooperation between enforcement authorities, and may lead to an uneven enforcement of unfair trading practices, undermining the protection for suppliers of agricultural and food products intended by that Directive.

### Amendment 3

#### Proposal for a regulation Recital 3 a (new)

*Text proposed by the Commission*

*Amendment*

***(3 a) The findings of the 2024 Report on the enforcement of the Directive (EU) 2019/633<sup>1a</sup> show the fragmentation of the EU legal landscape and the persistence of imbalanced bargaining power in the EU agri-food chain.***

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<sup>1a</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52024DC0176>

### Amendment 4

#### Proposal for a regulation Recital 3 b (new)

**(3 b) To prevent regulatory fragmentation, Member States should therefore strengthen cross-border cooperation between enforcement authorities. This includes the exchange of best practices, data-sharing mechanisms, and the possibility of joint investigations. Comprehensive cooperation mechanisms between Member States could help to better tackle market concentration and ensure fair market practices, in which neither food suppliers nor consumers are forced to depend on monopolies at the wholesale level. The Commission should provide support to facilitate effective enforcement in line with the provisions in the Directive (EU) 2019/633. It is therefore appropriate to establish rules strengthening cooperation between enforcement authorities in cross-border cases.**

## **Amendment 5**

### **Proposal for a regulation Recital 4**

(4) Given that Directive (EU) 2019/633 allows Member States to maintain or introduce stricter national rules against unfair trading practices, it should be clarified that this Regulation does not cover those rules. However, **the** Regulation should allow the Member States to decide that their enforcement authorities can make use of the possibility to exchange information established under the mutual assistance mechanism set out by this Regulation in relation to such rules. In those cases, the enforcement authorities should still have the right to refuse to comply with such a request.

(4) Given that Directive (EU) 2019/633 allows Member States to maintain or introduce stricter national rules against unfair trading practices, it should be clarified that this Regulation does not cover those rules. However, **this** Regulation should allow the Member States to decide that their enforcement authorities can make use of the possibility to exchange information established under the mutual assistance mechanism set out by this Regulation in relation to such rules. In those cases, the enforcement authorities should still have the right to refuse to comply with such a request, **on condition that they provide a clear, proportionate**

*and justified reason justification for their refusal.*

## **Amendment 6**

### **Proposal for a regulation Recital 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***(5 a) In accordance with recital 12 of Directive (EU) 2019/633, suppliers in the Union should be protected not only against unfair trading practices by buyers that are established in the same Member State as the supplier or in a different Member State than the supplier, but also against unfair trading practices by buyers established outside the Union. Suppliers established outside the Union should also enjoy protection against unfair trading practices when they sell agricultural and food products into the Union. This Regulation should accordingly lay down provisions governing the cooperation between enforcement authorities of the Member States in relation to such practices, insofar as they are prohibited under Directive (EU) 2019/633 and committed by buyers established outside the Union.***

## **Amendment 7**

### **Proposal for a regulation Recital 6**

*Text proposed by the Commission*

*Amendment*

(6) Enforcement authorities should have the power to provide one another with and use in evidence in accordance with their national law any matter of fact or of law, including confidential information. Information exchanged shall only be used in evidence for the purpose of applying the

(6) Enforcement authorities should have the power to provide one another with and use in evidence in accordance with their national law any matter of fact or of law, including confidential information. Information exchanged shall only be used in evidence for the purpose of applying the

rules established by Directive (EU) 2019/633 and in respect of the subject-matter for which it was collected by the transmitting authority.

rules established by Directive (EU) 2019/633 and in respect of the subject-matter for which it was collected by the transmitting authority. ***The confidentiality of the information should be guaranteed. Requests by complainants for protection of information based on Article 5 (3) of Directive (EU) 2019/633 should be taken into account and protection should also be ensured in cross-border enforcement.***

## Amendment 8

### Proposal for a regulation Recital 8

#### *Text proposed by the Commission*

(8) Enforcement authorities should inform one another of an unfair trading practice with a cross-border dimension that has occurred or is occurring in their territory.

#### *Amendment*

(8) Enforcement authorities should inform one another ***and the Commission*** of an unfair trading practice with a cross-border dimension that has occurred or is occurring in their territory ***within 30 days after adopting a decision establishing the occurrence of an unfair trading practice with a cross-border dimension in its Member State.***

## Amendment 9

### Proposal for a regulation Recital 9

#### *Text proposed by the Commission*

(9) Enforcement authorities should be empowered in their own territory and in accordance with their national law to enforce, or initiate proceedings for the enforcement of, final decisions imposing fines or other equally effective penalties on behalf of and for the account of other enforcement authorities, provided that those other enforcement authorities have made reasonable efforts to ascertain that the buyers against which the fines or other

#### *Amendment*

(9) Enforcement authorities should be empowered in their own territory and in accordance with their national law to enforce, or initiate proceedings for the enforcement of, final decisions imposing fines or other equally effective penalties, ***or interim measures*** on behalf of and for the account of other enforcement authorities, provided that those other enforcement authorities have made reasonable efforts to ascertain that the buyers against which the

equally effective penalties are to be enforced do not have sufficient assets in the Member States of those other enforcement authorities.

finances or other equally effective penalties, ***or interim measures*** are to be enforced do not have sufficient assets in the Member States of those other enforcement authorities.

## Amendment 10

### Proposal for a regulation Recital 10

#### *Text proposed by the Commission*

(10) Enforcement authorities should be able to exchange and seek information from other enforcement authorities by issuing requests for ***information***. These requests should specify what information is considered necessary in each case to conduct investigations of unfair trading practices.

#### *Amendment*

(10) Enforcement authorities should be able to exchange and seek information from other enforcement authorities by issuing requests for ***mutual assistance***. These requests should specify what information is considered necessary in each case to conduct investigations of unfair trading practices. ***To enable the requested enforcement authority to fulfil its obligations in that regard, the request should include all necessary information about the alleged unfair trading practice.***

## Amendment 11

### Proposal for a regulation Recital 10 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

***(10 a) To ensure the consistent application of Union and international rules on private international law, and to protect the integrity of the internal market, this Regulation applies to unfair trading practices that are prohibited by Article 3 of Directive (EU) 2019/633 and stricter national rules as provided in Article 9 of Directive that are prohibited, at a minimum, in both the Member State of the requested enforcement authority and the Member State of the applicant enforcement authority, provided that such national rules are compatible with the***

*rules on the functioning of the internal market.*

## Amendment 12

### Proposal for a regulation Recital 10 b (new)

*Text proposed by the Commission*

*Amendment*

***(10 b) In carrying out investigations, national enforcement authorities should pay particular attention to cases affecting small and medium sized enterprises, small and medium-sized farmers, agricultural cooperatives, and organic producers, whose economic viability could be more vulnerable to unfair trading practices, and support them when reporting and addressing those unfair trading practices.***

## Amendment 13

### Proposal for a regulation Recital 11

*Text proposed by the Commission*

*Amendment*

(11) Enforcement authorities should not be entitled to refuse to comply with a request for information or to refuse to participate in enforcement measures unless it is likely that enforcement actions and administrative decisions taken at national level outside the mutual assistance mechanism would ensure cessation of the unfair trading practice with a cross-border dimension. ***Moreover, enforcement authorities should give reasons for such a refusal.***

(11) Enforcement authorities should not be entitled to refuse to comply with a request for information or to refuse to participate in enforcement measures unless it is likely that enforcement actions and administrative decisions ***or judicial proceedings*** taken at national level outside the mutual assistance mechanism would ensure cessation of the unfair trading practice with a cross-border dimension. ***Refusal should also be possible in cases where the request falls outside the scope of this Regulation or goes beyond the competence of national law. However, any such refusal should be fully justified and transparently communicated, ensuring that enforcement cooperation is not arbitrarily obstructed.***



## Amendment 14

### Proposal for a regulation Recital 12 a (new)

*Text proposed by the Commission*

*Amendment*

***(12 a) In order to secure smooth cooperation between enforcement authorities and avoid that requests for mutual assistance result in excessive costs for the requested enforcement authorities, this Regulation should clarify that Member States should waive all claims for reimbursement of expenses incurred in applying this Regulation. In addition, costs should not be passed on to affected suppliers, particularly small and medium-sized farmers, cooperatives, or other vulnerable actors in the supply chain.***

## Amendment 15

### Proposal for a regulation Recital 13

*Text proposed by the Commission*

*Amendment*

(13) With a view to ensuring uniform conditions for the implementation of the measures laid down in this Regulation, implementing powers should be conferred on the Commission to be able to develop standard forms for requests for information or requests for enforcement measures. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>4</sup>. ***In the absence of standard forms developed by the Commission, the enforcement authorities should be entitled to develop such forms to facilitate the mutual assistance mechanism.***

(13) With a view to ensuring uniform conditions for the implementation of the measures laid down in this Regulation, implementing powers should be conferred on the Commission to be able to develop standard forms for requests for information or requests for enforcement measures. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>4</sup>.

<sup>4</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13, ELI: <http://data.europa.eu/eli/reg/2011/182/oj>).

<sup>4</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13, ELI: <http://data.europa.eu/eli/reg/2011/182/oj>).

## Amendment 16

### Proposal for a regulation Recital 13 a (new)

*Text proposed by the Commission*

*Amendment*

***(13 a) To ensure transparency, accountability, and the protection of confidential information exchanged under mutual assistance, the requested enforcement authority should keep records of all communications with the applicant authority during investigations or information requests. The applicant authority should use the information only for its intended purpose and apply appropriate safeguards, and erase it when no longer needed, unless retention is required under Union or national law. These measures are essential to support effective cooperation and trust between authorities, thereby contributing to the proper functioning of the internal market.***

## Amendment 17

### Proposal for a regulation Recital 14

*Text proposed by the Commission*

*Amendment*

(14) Where a widespread unfair trading practice with a cross-border dimension, involving at least three Member States may be taking place, the enforcement

(14) Where a widespread unfair trading practice with a cross-border dimension, involving ***buyers and suppliers from*** at least three Member States may be taking

authorities concerned by that practice should be able to issue alerts, engage in coordinated actions, and designate a coordinator to coordinate the cooperation among the relevant authorities in whose territories the practice may be taking place. To establish which enforcement authorities are concerned by a widespread unfair trading practice with a cross-border dimension, all relevant aspects should be considered, in particular the place where the buyer is established and the location of the suppliers that may be affected by the unfair trading practice. The detection of widespread unfair trading practices with a cross-border dimension should be supported by exchanging information between enforcement authorities when there is a reasonable suspicion of such unfair trading practices with a cross-border dimension. The coordinator should exercise its competence within a framework of close cooperation with the other enforcement authorities concerned. Likewise, all enforcement authorities concerned should actively engage in the investigation at an early stage, and issue alerts to the Commission and to the enforcement authorities concerned by a widespread unfair trading practice with a cross-border dimension and share the necessary information available to them about such practices.

place, the enforcement authorities concerned by that practice should be able to issue alerts, engage in coordinated actions, and designate a coordinator to coordinate the cooperation among the relevant authorities in whose territories the practice may be taking place. To establish which enforcement authorities are concerned by a widespread unfair trading practice with a cross-border dimension, all relevant aspects should be considered, in particular the place where the buyer is established and the location of the suppliers that may be affected by the unfair trading practice. The detection of widespread unfair trading practices with a cross-border dimension should be supported by exchanging information between enforcement authorities when there is a reasonable suspicion of such unfair trading practices with a cross-border dimension. The coordinator should exercise its competence within a framework of close cooperation with the other enforcement authorities concerned. Likewise, all enforcement authorities concerned should actively engage in the investigation at an early stage, and issue alerts to the Commission and to the enforcement authorities concerned by a widespread unfair trading practice with a cross-border dimension and share the necessary information available to them about such practices.

## **Amendment 18**

### **Proposal for a regulation Recital 14 a (new)**

*Text proposed by the Commission*

*Amendment*

***(14 a) In order to enhance coordination and ensure effective enforcement against unfair commercial practices across the Union, it is necessary that, when enforcement authorities become aware of such practices during mutual assistance***

*procedures, they promptly notify the relevant public authorities in Member States. This will contribute to a swift and coordinated response and safeguards consumer protection throughout the internal market.*

## Amendment 19

### Proposal for a regulation Recital 19

*Text proposed by the Commission*

(19) Criminal investigations and judicial proceedings in Member States should not be affected by the application of this Regulation.

*Amendment*

(19) Criminal investigations and judicial ***and administrative*** proceedings in Member States should not be affected by the application of this Regulation.

## Amendment 20

### Proposal for a regulation Recital 20

*Text proposed by the Commission*

(20) Since the objective of this Regulation, namely cooperation between the enforcement authorities responsible for the enforcement of the prohibition of unfair trading practices under Directive (EU) 2019/633, cannot be sufficiently achieved by the Member States because they cannot ensure cooperation and coordination by acting alone, but can rather, by reason of its territorial and personal scope, be better achieved at the Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

*Amendment*

(20) Since the objective of this Regulation, namely ***to strengthen the conditions for efficient*** cooperation between the enforcement authorities responsible for the enforcement of the prohibition of unfair trading practices ***with a cross-border dimension*** under Directive (EU) 2019/633, cannot be sufficiently achieved by the Member States because they cannot ensure cooperation and coordination by acting alone, but can rather, by reason of its territorial and personal scope, be better achieved at the Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to

achieve that objective.

## Amendment 21

### Proposal for a regulation

#### Article 1 – paragraph 1

##### *Text proposed by the Commission*

This Regulation lays down certain rules under which the enforcement authorities, having been designated by their Member States as responsible for the enforcement of the prohibition of unfair trading practices in business-to-business relationships in the agricultural and food supply chain under Directive (EU) 2019/633, cooperate and coordinate actions with each other.

##### *Amendment*

This Regulation lays down certain rules under which the enforcement authorities, having been designated by their Member States as responsible for the enforcement of the prohibition of unfair trading practices in business-to-business relationships in the agricultural and food supply chain under Directive (EU) 2019/633, cooperate and coordinate actions with each other ***and with the Commission, in order to improve the functioning of the internal market by ensuring compliance, safeguarding sound competition and a level playing field, as well as the security of supply in the internal market.***

## Amendment 22

### Proposal for a regulation

#### Article 2 – paragraph 1 – subparagraph 1

##### *Text proposed by the Commission*

This Regulation applies to the enforcement of the prohibition of unfair trading practices in business-to-business relationships in the agricultural and food supply chain laid down in Article 3(1) and (2) of Directive (EU) 2019/633 with a cross-border dimension.

##### *Amendment*

This Regulation applies to the enforcement of the prohibition of unfair trading practices in business-to-business relationships in the agricultural and food supply chain laid down in Article 3(1) and (2) of Directive (EU) 2019/633 with a cross-border dimension, ***that occur in relation to sales of agricultural and food products referred to in Article 1(2) of Directive (EU) 2019/633.***

## Amendment 23

**Proposal for a regulation**

**Article 2 – paragraph 1 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***In accordance with the Directive (EU) 2019/633, this Regulation applies in the same way to unfair trading practices with a cross-border dimension involving buyers established outside the EU, provided that their commercial activities target the internal market. Non-EU buyers may appoint a responsible person (the "EU Responsible Person") established in the European Union.***

**Amendment 24**

**Proposal for a regulation**

**Article 2 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2 a. This Regulation applies to unfair trading practices that are prohibited by Article 3 of Directive (EU) 2019/633, as well as to stricter national rules as provided in Article 9 of Directive (EU) 2019/633 if they are, at a minimum, prohibited in both the Member State of the requested enforcement authority and the Member State of the applicant enforcement authority, provided that such national rules are compatible with the rules on the functioning of the internal market.***

**Amendment 25**

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

***(f a) 'EU Responsible Person' means a natural or legal person established within***

*the Union, who is appointed by a non-EU buyer to assume liability under Article 2 (4).*

## Amendment 26

### Proposal for a regulation Article 4 – paragraph 1

*Text proposed by the Commission*

Member States shall ensure that enforcement authorities have the ***necessary*** resources and expertise for the application of this Regulation.

*Amendment*

Member States shall ensure that enforcement authorities have the ***adequate resources to effectively investigate unfair trading practices, including technical, financial and human*** resources and expertise for the application of this Regulation.

## Amendment 27

### Proposal for a regulation Article 4 a (new)

*Text proposed by the Commission*

*Amendment*

#### ***Article 4a***

##### ***Confidentiality of information***

***1. For the purposes of this Regulation, the enforcement authorities shall have the power to provide information to one another and use this information evidence in any matter of fact or law, including confidential information.***

***2. Information exchanged shall only be used as evidence for the purpose of applying this Regulation and in respect of the subject-matter for which it was collected by the requested enforcement authority.***

***3. The requested authority shall keep records of all the exchanges between the applicant and requested enforcement authorities when the requested enforcement authority conducts***

*investigations or sends requests for information.*

*4. Member States shall ensure that the exercise of the powers referred to in the above paragraphs are subject to appropriate safeguards, in accordance with the general principles of Union law and the Charter of Fundamental Rights of the European Union, in particular to prevent the disclosure of the protected information without the agreement of the complainant or in cases where the complainant requests confidential treatment of information in line with the provisions in Article 5(3) and Article 6(2) of Directive (EU) 2019/633.*

*In fact, an applicant enforcement authority receiving information from a requested authority pursuant to a request made under Article 5 shall:*

- a) not use the information in a manner incompatible with the purpose for which they were requested;*
- b) implement technical and organisational measures that preserve the confidentiality of the requested information, in particular personal data, commercial, industrial or professional secrets, and safeguard the legitimate rights of economic operators concerned;*
- c) erase the information as soon as it is no longer necessary for the stated purpose, unless archiving of the information is required in accordance with Union or national law.*

*5. These provisions are without prejudice to the Union and national rules on public access to documents.*

**Amendment 28**

**Proposal for a regulation**  
**Article 5 – title**



*Text proposed by the Commission*

Requests for information

*Amendment*

Requests for information **and investigative measures**

## **Amendment 29**

### **Proposal for a regulation Article 5 – paragraph 1**

*Text proposed by the Commission*

1. At the request of an applicant enforcement authority, **a** requested enforcement authority shall, without delay, and within **60 days** unless otherwise agreed, provide the applicant enforcement authority with **the** information requested to establish whether an unfair trading practice in the Member State of the applicant enforcement authority with a cross-border dimension has occurred or is occurring.

*Amendment*

1. At the request of an applicant enforcement authority, **the** requested enforcement authority shall, without delay, and within **45 days from the day of receipt of the request**, unless otherwise agreed, provide the applicant enforcement authority with **any relevant** information requested **necessary** to establish whether an unfair trading practice in the Member State of the applicant enforcement authority with a cross-border dimension has occurred or is occurring.

## **Amendment 30**

### **Proposal for a regulation Article 5 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2 a. The requested authority shall undertake the appropriate and necessary investigations or take any other necessary or appropriate measures in order to gather the required information in accordance with the powers conferred on it pursuant to Article 6 of Directive (EU) 2019/633. If necessary, those investigations shall be carried out with the assistance of other public authorities or designated bodies. The requested enforcement authority may also seek or obtain relevant information from other**

*competent national authorities of the Member States.*

## Amendment 31

### Proposal for a regulation Article 5 – paragraph 3

*Text proposed by the Commission*

3. The information provided shall **only** be collected by the requested enforcement authority and used by the applicant enforcement authority in accordance with their national law.

*Amendment*

3. The information provided shall be collected by the requested enforcement authority and used by the applicant enforcement authority in accordance with their national law.

## Amendment 32

### Proposal for a regulation Article 5 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

**3 a. An applicant authority shall only use the procedure provided in paragraph 1 and 2 if it has exhausted the available sources of information which it could have used in the circumstances to obtain the information requested.**

## Amendment 33

### Proposal for a regulation Article 5 – paragraph 4 – subparagraph 2

*Text proposed by the Commission*

When an applicant enforcement authority makes use of the possibility provided in subparagraph 1, the requested enforcement authority may refuse to provide information, **indicating the reasons for the refusal.**

*Amendment*

When an applicant enforcement authority makes use of the possibility provided in subparagraph 1, the requested enforcement authority may refuse to provide information. **The requested enforcement authority shall justify its refusal, within the period set out in the first paragraph, by submitting a reasoned reply.**

## Amendment 34

### Proposal for a regulation Article 6 – paragraph 1

#### *Text proposed by the Commission*

1. At the request and on behalf of an applicant enforcement authority, the requested enforcement authority shall **exercise**, in accordance with the national rules of its Member State, the powers set out in Article 6(1), first subparagraph, points (a), (b) and (c), of Directive (EU) 2019/633.

#### *Amendment*

1. At the request and on behalf of an applicant enforcement authority, the requested enforcement authority shall **determine and take any necessary and appropriate enforcement measures**, in accordance with the national rules of its Member State, **when exercising** the powers set out in Article 6(1), first subparagraph, points (a), (b) and (c), of Directive (EU) 2019/633 **with the aim of bringing about the cessation of that unfair trading practice**.

## Amendment 35

### Proposal for a regulation Article 6 – paragraph 3

#### *Text proposed by the Commission*

3. The requested enforcement authority shall inform the applicant enforcement authority about the steps and measures taken and the steps and measures that it intends to take.

#### *Amendment*

3. The requested enforcement authority shall **without undue delay** inform the applicant enforcement authority about the steps and **enforcement measures, penalties and remedial actions** taken and the steps and measures that it intends to take. **It shall also explicitly confirm whether the unfair trading practice has ceased.**

## Amendment 36

### Proposal for a regulation Article 7 – paragraph 1

#### *Text proposed by the Commission*

1. At the request of an applicant

#### *Amendment*

1. At the request of an applicant

enforcement authority, the requested authority shall enforce, in accordance with its national law, final decisions imposing fines or other equally effective penalties and interim measures adopted in accordance with Article 6(1), first subparagraph, point (e), of Directive (EU) 2019/633.

enforcement authority, the requested ***enforcement authority or the competent public body which has principal responsibility for the enforcement of such decisions under national laws, regulations and administrative practices*** shall enforce, in accordance with its national law, ***and without delay*** final decisions imposing fines or other equally effective penalties and interim measures adopted in accordance with Article 6(1), first subparagraph, point (e), of Directive (EU) 2019/633.

## **Amendment 37**

### **Proposal for a regulation Article 7 – paragraph 4**

#### *Text proposed by the Commission*

4. Questions regarding limitation periods for the enforcement of fines, other equally effective penalties and interim measures shall be governed by the national law of the Member State of the requested authority.

#### *Amendment*

4. Questions regarding limitation periods for the enforcement of fines, other equally effective penalties and interim measures shall be governed by the national law of the Member State of the requested ***enforcement*** authority.

## **Amendment 38**

### **Proposal for a regulation Article 7 a (new)**

#### *Text proposed by the Commission*

#### *Amendment*

#### ***Article 7a***

#### ***Waiver of reimbursement of expenses***

***1. Member States shall waive all claims for the reimbursement of expenses incurred in applying this Regulation.***

***2. Notwithstanding paragraph 1, as regards requests for enforcement measures under Article 6, the Member State of the applicant authority shall remain liable to the Member State of the***

*requested authority for any costs and any losses incurred as a result of measures that have been dismissed and held to be unfounded by a court, as far as the substance of the infringement in question is concerned.*

*3. Costs associated with translation shall not be passed on to affected suppliers or their representative. Costs associated with translation shall not be passed on to affected suppliers or their representatives.*

## Amendment 39

### Proposal for a regulation Article 8 – paragraph 1

#### *Text proposed by the Commission*

An enforcement authority shall notify all other enforcement authorities within **1 month** after adopting a decision establishing the occurrence of an unfair trading practice with a cross-border dimension in its Member State.

#### *Amendment*

An enforcement authority shall notify all other enforcement authorities **and the Commission** within **30 days** after adopting a decision establishing the occurrence of an unfair trading practice with a cross-border dimension in its Member State. **The notification shall include a summary of the case, the parties involved, and the corrective measures applied, with due regard to confidentiality.**

## Amendment 40

### Proposal for a regulation Article 9 – paragraph 1

#### *Text proposed by the Commission*

1. The applicant enforcement authority shall, when making a request for mutual assistance, provide any relevant information necessary to enable the requested enforcement authority to fulfil that request, including any information that can be obtained only in the Member State of the applicant enforcement authority.

#### *Amendment*

1. The applicant enforcement authority shall, when making a request for mutual assistance, provide **the following:**

- (a) a reference to this Regulation as a legal basis of their request;*
- (b) the purpose of the request, including a description of the alleged unfair trading practice with a cross-border dimension, and specify:*
  - (i) the information requested under Article 5(1), or*
  - (ii) the enforcement measures and decisions to be requested under Articles 6 or 7;*
- (c) any relevant information necessary to enable the requested enforcement authority to fulfil that request, including any information that can be obtained only in the Member State of the applicant enforcement authority.*

#### **Amendment 41**

##### **Proposal for a regulation Article 9 – paragraph 2**

*Text proposed by the Commission*

2. Requests for mutual assistance and all communications linked to them shall be made in writing using standard forms.

*Amendment*

2. Requests for mutual assistance and all communications linked to them shall be made ***digitally and*** in writing using ***the*** standard forms ***established by the Commission in accordance with Article 12.***

#### **Amendment 42**

##### **Proposal for a regulation Article 9 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2 a. The Commission shall adopt an implementing act to establish the standard form for requests for mutual assistance referred to in paragraph 2, no later than six months after the date of application of***

*this Regulation.*

#### **Amendment 43**

##### **Proposal for a regulation**

##### **Article 10 – paragraph 1 – point a (new)**

*Text proposed by the Commission*

*Amendment*

***(a a) following a consultation with the applicant enforcement authority, the unfair trading practice is neither prohibited by Article 3 of Directive (EU) 2019/633 nor at a minimum, prohibited in both the Member State of the requested enforcement authority and the Member State of the applicant enforcement authority;***

#### **Amendment 44**

##### **Proposal for a regulation**

##### **Article 10 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

(b) criminal investigations or judicial proceedings have already been initiated against the same buyer in respect of the same unfair trading practice before the authorities in the Member State of the requested enforcement authority or of the applicant enforcement authority.

(b) ***an administrative proceeding,*** criminal investigations or judicial proceedings have already been initiated against the same buyer in respect of the same unfair trading practice before the authorities in the Member State of the requested enforcement authority or of the applicant enforcement authority.

#### **Amendment 45**

##### **Proposal for a regulation**

##### **Article 10 – paragraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

(a) criminal investigations or judicial proceedings have already been initiated, a judgment has been given, or a court

(a) ***an administrative proceeding,*** criminal investigations or judicial proceedings have already been initiated, a

settlement has been reached in respect of the same unfair trade practice before the judicial authorities in the Member State of the requested enforcement authority;

judgment has been given, or a court settlement has been reached in respect of the same unfair trade practice before the judicial authorities in the Member State of the requested enforcement authority;

#### Amendment 46

##### Proposal for a regulation Article 10 – paragraph 3

###### *Text proposed by the Commission*

3. The requested enforcement authority shall inform the applicant enforcement authority of any refusal to comply with a request for mutual assistance, together with the reasons for that refusal.

###### *Amendment*

3. The requested enforcement authority shall inform the applicant enforcement authority **and the Commission** of any refusal to comply with a request for mutual assistance, together with the reasons for that refusal.

#### Amendment 47

##### Proposal for a regulation Article 10 – paragraph 3 a (new)

###### *Text proposed by the Commission*

###### *Amendment*

**3 a. In the event of a disagreement between the applicant authority and the requested authority, either the applicant authority or the requested authority may refer the matter to the Commission, following which the Commission shall issue an opinion on the matter without undue delay. Where the matter has not been referred to the Commission, the Commission may nevertheless issue an opinion on its own initiative. For the purpose of issuing that opinion, the Commission may ask for relevant information and documents that have been exchanged between the applicant authority and the requested authority.**

#### Amendment 48



**Proposal for a regulation**  
**Article 10 – paragraph 3 b (new)**

*Text proposed by the Commission*

*Amendment*

**3 b. Where appropriate, the Commission may issue guidance and provide advice to the Member States to ensure the effective and efficient functioning of the mutual assistance mechanism.**

**Amendment 49**

**Proposal for a regulation**  
**Article 12 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

The Commission **may** adopt implementing acts laying down standard forms for the requests of mutual assistance under Article 9(2).

The Commission **shall** adopt implementing acts laying down standard forms for the requests of mutual assistance under Article 9(2).

**Amendment 50**

**Proposal for a regulation**  
**Article 12 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**To ensure a uniform application of Directive (EU) 2019/633 as well as of this Regulation, and reduce fragmentation between national procedures, the Commission shall issue guidelines clarifying key provisions and common enforcement standards, in particular for mutual assistance requests, including deadlines and escalation protocols.**

**Amendment 51**

**Proposal for a regulation**  
**Article 13 – paragraph 2**

*Text proposed by the Commission*

2. The enforcement authorities concerned by the widespread unfair trading practice with a cross-border dimension shall designate **an** enforcement authority to be the coordinator.

*Amendment*

2. The enforcement authorities concerned by the widespread unfair trading practice with a cross-border dimension shall designate **one** enforcement authority to be the coordinator. ***If those enforcement authorities are unable to reach an agreement on that designation, the authority of the Member State in which the buyer that is suspected to have engaged in the prohibited trading practice should be designated as the coordinator.***

**Amendment 52**

**Proposal for a regulation**  
**Article 13 – paragraph 3**

*Text proposed by the Commission*

3. The enforcement authorities concerned by the widespread unfair trading practice with a cross-border dimension shall conduct investigations on the basis of information that is available to them. **They** shall notify the results of such investigations to the other enforcement authorities, pursuant to Article 19.

*Amendment*

3. The enforcement authorities concerned by the widespread unfair trading practice with a cross-border dimension shall conduct investigations on the basis of information that is available to them. **The coordinator** shall notify the results of such investigations to the other enforcement authorities, pursuant to Article 19.

**Amendment 53**

**Proposal for a regulation**  
**Article 13 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***5 a. If the Commission has a reasonable suspicion of a widespread unfair trading practice with a cross-border dimension, it shall without delay notify the concerned enforcement authorities. The Commission shall state in***

*the notification the grounds that justify a possible coordinated action. The concerned authorities shall conduct appropriate investigations as needed and if agreed between them, launch a coordinated action.*

## **Amendment 54**

### **Proposal for a regulation**

#### **Article 14 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) a criminal investigation *or* judicial proceedings have already been initiated, a judgment has been given, or a court settlement has been reached in respect of the same buyer and concerning the same unfair trading practice in that enforcement authority's Member State;

*Amendment*

(a) a criminal investigation, judicial *or administrative* proceedings have already been initiated, a judgment has been given, or a court settlement has been reached in respect of the same buyer and concerning the same unfair trading practice in that enforcement authority's Member State;

## **Amendment 55**

### **Proposal for a regulation**

#### **Article 14 – paragraph 1 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

*(a a) following a consultation with the applicant enforcement authority, the unfair trading practice is neither prohibited by Article 3 of Directive (EU) 2019/633 nor at a minimum, prohibited in both the Member State of the requested enforcement authority and the Member State of the applicant enforcement authority;*

## **Amendment 56**

### **Proposal for a regulation**

#### **Article 15 – title**

*Text proposed by the Commission*

**Investigation measures** in coordinated actions

*Amendment*

**Investigations** in coordinated actions

## Amendment 57

### Proposal for a regulation Article 15 – paragraph 1

*Text proposed by the Commission*

1. The enforcement authorities concerned by the coordinated action shall ensure that investigations and inspections are conducted in a coordinated manner. They shall seek to conduct investigations and inspections and, to the extent that national law so allows, to apply interim measures simultaneously with one another.

*Amendment*

1. The enforcement authorities concerned by the coordinated action shall ensure that investigations and inspections are conducted in a ***an effective, efficient and*** coordinated manner. They shall seek to conduct investigations and inspections and, to the extent that national law so allows, to apply interim measures simultaneously with one another.

## Amendment 58

### Proposal for a regulation Article 15 – paragraph 3

*Text proposed by the Commission*

3. Without prejudice to the rules on confidentiality and on professional and trade secrecy laid down in Directive (EU) 2016/943 of the European Parliament and of the Council<sup>6</sup>, the enforcement authorities concerned by the coordinated action shall publish the common position or parts thereof on their websites and inform the Commission of the publication.

*Amendment*

3. Without prejudice to the rules on confidentiality and on professional and trade secrecy laid down in Directive (EU) 2016/943 of the European Parliament and of the Council<sup>6</sup>, the enforcement authorities concerned by the coordinated action shall publish the common position or parts thereof on their websites and inform the Commission of the publication ***after the coordinated action has been completed.***

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<sup>6</sup> Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade

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<sup>6</sup> Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade

secrets) against their unlawful acquisition, use and disclosure (OJ L 157, 15.6.2016, p. 1, ELI: <http://data.europa.eu/eli/dir/2016/943/oj>).

secrets) against their unlawful acquisition, use and disclosure (OJ L 157, 15.6.2016, p. 1, ELI: <http://data.europa.eu/eli/dir/2016/943/oj>).

## Amendment 59

### Proposal for a regulation Article 17 – paragraph 1

#### *Text proposed by the Commission*

1. A coordinated action shall cease if the enforcement authorities concerned by the coordinated action conclude that the widespread unfair trading practice with a cross-border dimension has ceased in all Member States concerned, or that no such widespread unfair trading practice with a cross-border dimension was committed.

#### *Amendment*

1. A coordinated action shall cease if the enforcement authorities concerned by the coordinated action conclude that the widespread unfair trading practice with a cross-border dimension has ceased in all Member States concerned, or that no such widespread unfair trading practice with a cross-border dimension was committed, ***or that a continued investigation is no longer warranted.***

## Amendment 60

### Proposal for a regulation Article 17 – paragraph 2

#### *Text proposed by the Commission*

2. The coordinator referred to in Article 13(2) shall notify, where applicable, the enforcement authorities of the Member States concerned by the coordinated action of the cessation of the coordinated action without delay.

#### *Amendment*

2. The coordinator referred to in Article 13(2) shall notify, where applicable, ***and without undue delay*** the enforcement authorities of the Member States concerned by the coordinated action ***and the Commission*** of the cessation of the coordinated action without delay.

## Amendment 61

### Proposal for a regulation Article 18 – paragraph 1 – point a

*Text proposed by the Commission*

- (a) ensure that the enforcement authorities concerned are duly informed, in a timely manner, of the progress of the investigation or of the enforcement action, and informed of any anticipated next steps and the measures to be adopted;

*Amendment*

- (a) ensure that the enforcement authorities concerned **and the Commission** are duly informed, in a timely manner, of the progress of the investigation or of the enforcement action, and informed of any anticipated next steps and the measures to be adopted;

**Amendment 62**

**Proposal for a regulation**

**Article 18 – paragraph 1 – point d**

*Text proposed by the Commission*

- (d) maintain contact with the **buyer** and other parties concerned by the investigation or enforcement measures, as applicable, unless otherwise agreed by the enforcement authorities concerned and the coordinator;

*Amendment*

- (d) **inform the buyers about the launch of a coordinated action and** maintain contact with the **buyers** and other parties concerned by the investigation or enforcement measures, as applicable, unless otherwise agreed by the enforcement authorities concerned and the coordinator;

**Amendment 63**

**Proposal for a regulation**

**Article 19 – paragraph 2 – point a**

*Text proposed by the Commission*

- (a) a description of the widespread unfair trading practice with a cross-border dimension;

*Amendment*

- (a) a **detailed** description of the widespread unfair trading practice with a cross-border dimension;

**Amendment 64**

**Proposal for a regulation**

**Article 19 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3 a. Where, in the course of mutual assistance procedures pursuant to this Regulation, enforcement authorities become aware of an unfair commercial practice within the meaning of Directive 2005/29/EC, they shall immediately notify the relevant public authorities in Member States.**

## **Amendment 65**

### **Proposal for a regulation Article 21 a (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 21a**

##### **Review and Reporting**

**1. By [three years after the date of application], the Commission shall submit a report to the European Parliament and to the Council on the application of this Regulation.**

**2. That report shall include an assessment of:**

**a) the effectiveness and proportionality of the cooperation mechanisms established under this Regulation in enforcing the rules laid down in Directive (EU) 2019/633,**

**b) any measurable changes in the level of administrative burden and compliance costs for Member States and businesses, especially SMEs and primary producers.**

**c) the evolution of enforcement activity, including the identification of the most frequent types of cross-border unfair trading practices, sectors most affected, and buyers or buyer types most commonly involved.**

## Amendment 66

### Proposal for a regulation Article 22 – paragraph 2

*Text proposed by the Commission*

It shall apply from [+ **1 year** from the **adoption**].

*Amendment*

It shall apply from [+ **6 months** from the **entry into force**].



## **ANNEX: ENTITIES OR PERSONS FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT**

Pursuant to Article 8 of Annex I to the Rules of Procedure, the rapporteur for the opinion received input from the following entities or persons in the preparation of the opinion, prior to the adoption thereof in committee:

<b>Entity and/or person</b>
European Commission
Government of Sweden
The Federation of Swedish Farmers (Lanbrukarnas Riksförbund)
The Swedish Food Federation (Livsmedelsföretagen)
The Swedish Competition Authority (Konkurrensverket)
AIM - European Brands Association
Essity Aktiebolag (publ)
Independent Retail Europe
ICA Gruppen AB

The list above is drawn up under the exclusive responsibility of the rapporteur for the opinion.

Where natural persons are identified in the list by their name, by their function or by both, the rapporteur for the opinion declares that he has submitted to the concerned natural persons the European Parliament's Data Protection Notice No 484 (<https://www.europarl.europa.eu/data-protect/index.do>), which sets out the conditions applicable to the processing of their personal data and the rights linked to that processing.

## PROCEDURE – COMMITTEE ASKED FOR OPINION

<b>Title</b>	Cooperation among enforcement authorities responsible for the enforcement of Directive (EU) 2019/633 on unfair trading practices in business-to-business relationships in the agricultural and food supply chain	
<b>References</b>	COM(2024)0576 – C10-0208/2024 – 2024/0318(COD)	
<b>Committee(s) responsible</b> Date announced in plenary	AGRI 20.1.2025	
<b>Opinion by</b> Date announced in plenary	IMCO 20.1.2025	
<b>Rapporteur for the opinion</b> Date appointed	Adnan Dibrani 12.3.2025	
<b>Discussed in committee</b>	8.4.2025	20.5.2025
<b>Date adopted</b>	26.6.2025	
<b>Result of final vote</b>	+: 36 –: 1 0: 4	
<b>Members present for the final vote</b>	Peter Agius, Alex Agius Saliba, Pablo Arias Echeverría, Laura Ballarín Cereza, Anna Cavazzini, Stefano Cavedagna, David Cormand, Henrik Dahl, Adnan Dibrani, Regina Doherty, Christian Doleschal, Maria Grapini, Elisabeth Grossmann, Maria Guzenina, Virginie Joron, Pierre Juvet, Katrin Langensiepen, Pierfrancesco Maran, Piotr Müller, Denis Nesci, Cynthia Ní Mhurchú, Gheorghe Piperea, Reinis Pozņaks, Christel Schaldemose, Andreas Schwab, Tomislav Sokol, Dimitris Tsiodras, Adina Vălean	
<b>Substitutes present for the final vote</b>	Marc Angel, Jaroslav Bžoch, Salvatore De Meo, Dirk Gotink, Judita Laššáková, Idoia Mendia, Paulius Saudargas, Susana Solís Pérez, Tomáš Zdechovský, Kosma Złotowski	
<b>Members under Rule 216(7) present for the final vote</b>	Anja Arndt, Jaroslava Pokorná Jermanová, Catarina Vieira	

## FINAL VOTE BY ROLL CALL BY THE COMMITTEE ASKED FOR OPINION

36	+
ECR	Stefano Cavedagna, Piotr Müller, Denis Nesci, Gheorghe Piperea, Reinis Požņaks, Kosma Złotowski
PPE	Peter Agius, Pablo Arias Echeverría, Henrik Dahl, Salvatore De Meo, Regina Doherty, Christian Doleschal, Dirk Gotink, Paulius Saudargas, Andreas Schwab, Tomislav Sokol, Susana Solís Pérez, Dimitris Tsiodras, Adina Vălean, Tomáš Zdechovský
Renew	Cynthia Ní Mhurchú
S&D	Alex Agius Saliba, Marc Angel, Laura Ballarín Cereza, Adnan Dibrani, Maria Grapini, Elisabeth Grossmann, Maria Guzenina, Pierre Juvet, Pierfrancesco Maran, Idoia Mendia, Christel Schaldemose
Verts/ALE	Anna Cavazzini, David Cormand, Katrin Langensiepen, Catarina Vieira

1	-
ESN	Anja Arndt

4	0
NI	Judita Laššáková
PfE	Jaroslav Bžoch, Virginie Joron, Jaroslava Pokorná Jermanová

Key to symbols:

+ : in favour

- : against

0 : abstention



## PROCEDURE – COMMITTEE RESPONSIBLE

<b>Title</b>	Cooperation among enforcement authorities responsible for the enforcement of Directive (EU) 2019/633 on unfair trading practices in business-to-business relationships in the agricultural and food supply chain	
<b>References</b>	COM(2024)0576 – C10-0208/2024 – 2024/0318(COD)	
<b>Date submitted to Parliament</b>	10.12.2024	
<b>Committee(s) responsible</b> Date announced in plenary	AGRI 20.1.2025	
<b>Committees asked for opinions</b> Date announced in plenary	IMCO 20.1.2025	
<b>Rapporteurs</b> Date appointed	Stefano Bonaccini 9.4.2025	
<b>Discussed in committee</b>	14.5.2025	3.6.2025
<b>Date adopted</b>	15.7.2025	
<b>Result of final vote</b>	+: 44 -: 1 0: 0	
<b>Members present for the final vote</b>	Stefano Bonaccini, Mireia Borrás Pabón, Daniel Buda, Waldemar Buda, Asger Christensen, Barry Cowen, Carmen Crespo Díaz, Ivan David, Valérie Deloge, Salvatore De Meo, Csaba Dömötör, Paulo Do Nascimento Cabral, Herbert Dorfmann, Sebastian Everding, Carlo Fidanza, Luke Ming Flanagan, Maria Grapini, Martin Häusling, Krzysztof Hetman, Céline Imart, Elsi Katainen, Stefan Köhler, Tomáš Kubín, Camilla Laureti, Norbert Lins, Cristina Maestre, Dario Nardella, Maria Noichl, Gilles Pennelle, Alvis Pérez, Katarína Roth Nevedálová, Bert-Jan Ruissen, Eric Sargiacomo, Christine Singer, Raffaele Stancanelli, Anna Strolenberg, Pekka Toveri, Jessika Van Leeuwen, Veronika Vrecionová, Thomas Waitz	
<b>Substitutes present for the final vote</b>	Peter Agius, Benoit Cassart, Esther Herranz García, Pär Holmgren, Emma Wiesner	
<b>Members under Rule 216(7) present for the final vote</b>	Matjaž Nemec	
<b>Date tabled</b>	30.7.2025	

## FINAL VOTE BY ROLL CALL BY THE COMMITTEE RESPONSIBLE

44	+
ECR	Waldemar Buda, Carlo Fidanza, Bert-Jan Ruissen, Veronika Vrecionová
ESN	Ivan David
NI	Katarína Roth Nevedálová
PPE	Peter Agius, Daniel Buda, Carmen Crespo Díaz, Salvatore De Meo, Paulo Do Nascimento Cabral, Herbert Dorfmann, Esther Herranz García, Krzysztof Hetman, Céline Imart, Stefan Köhler, Norbert Lins, Pekka Toveri, Jessica Van Leeuwen
PfE	Mireia Borrás Pabón, Valérie Deloge, Csaba Dömötör, Tomáš Kubín, Gilles Pennelle, Raffaele Stancanelli
Renew	Benoit Cassart, Asger Christensen, Barry Cowen, Elsi Katainen, Christine Singer
S&D	Stefano Bonaccini, Maria Grapini, Camilla Laureti, Cristina Maestre, Dario Nardella, Matjaž Nemec, Maria Noichl, Eric Sargiacomo
The Left	Sebastian Everding, Luke Ming Flanagan
Verts/ALE	Martin Häusling, Pär Holmgren, Anna Strolenberg, Thomas Waitz

1	-
NI	Alvise Pérez

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention