

# Monitoring of UTPs

Fields marked with \* are mandatory.

## Questionnaire to suppliers in the agricultural and food supply chain on unfair trading practices (UTPs)



**DEADLINE EXTENDED UNTIL 15 FEBRUARY 2021!**

On 17 April 2019, the European Parliament and the Council adopted [Directive \(EU\) 2019/633](#) on unfair trading practices (UTPs) in business-to-business relationships in the agricultural and food supply chain. To assess the effectiveness of measures taken by Member States in the context of this Directive, the Commission will carry out annual surveys, starting with this baseline questionnaire that aims at capturing the state of play before these new national measures are implemented.

This survey by the Joint Research Centre and the Directorate-General for Agriculture and Rural Development of the European Commission is carried out across all Member States and it targets suppliers covered by the Directive at the different stages of the agricultural and food supply.

It will take approximately 10 minutes to fill in this survey. The survey will be open until Sunday, January 31, 2021. Once the survey is terminated, anonymised results will be published here: [https://datam.jrc.ec.europa.eu/datam/mashup/FOODCHAIN\\_UTP/index.htm](https://datam.jrc.ec.europa.eu/datam/mashup/FOODCHAIN_UTP/index.htm)

I accept your terms

[Display data protection text](#)

# Thank you in advance for your participation

## General information

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\* At which stage of the agri-food supply chain do you operate?

- Agricultural production
- Commodity trade
- Primary processing for food purposes
- Trade of intermediary products
- Secondary and further processing stages for food purposes
- Wholesale
- Other, please specify

\* If other, please indicate here the stage where you operate

\* Are you a member of one or more organisations of producers, including agricultural cooperatives?

- Yes, I am
- No, I am not

\* In which sector(s) do you operate?

- Dairy
- Meat
- Fruits and vegetables
- Cereals
- Other, please specify

\* If other, please indicate here the sector(s)

Since when are you active in the sector(s)?

*Please indicate the starting year*

\* What type of buyer(s) do you supply?

- Organisations of producers (including agricultural cooperatives)
- Commodity traders
- Primary processing companies
- Trader of intermediary products
- Secondary and further processing companies
- Wholesalers
- Retailers
- Other, please specify

\* If other, please indicate here the type of buyer

Could you please indicate the size of your organisation's turnover in the last fiscal year?

- Less than € 100.000
- € 100.000 - € 500.000
- € 500.000 - € 2 million
- € 2 - 10 million
- € 10 - 50 million
- € 50 - 150 million
- € 150 - 350 million
- More than € 350 million

Please indicate the location of the headquarters of your business

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta

- Netherlands
- Poland
- Portugal
- Romania
- Slovakia
- Slovenia
- Spain
- Sweden
- United Kingdom
- Other, please specify

If other, please specify here the location of the headquarters of your business

Is this location the only one from which your organisation operates, or does your organisation have other sites, either in the EU or abroad?

- Yes, it is the only one
- No, it has other sites

If no, please indicate the next two main locations in order of importance

Could you please indicate the postcode of the location of your headquarters?

## Experience with unfair trading practices

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Are you aware that the European Parliament and of the Council adopted on 17 April 2019 the [Directive \(EU\) 2019/633](#) on unfair trading practices in business-to-business relationships in the agricultural and food supply chain?

- Yes
- No

Do you know if certain unfair trading practices are already prohibited in the markets you operate in?

- Certain UTPs are already prohibited
- There are no prohibited UTPs

I do not know

If certain unfair trading practices are already prohibited, please list them here

As a supplier, does the current legislation offer you protection from unfair trading practices engaged in by an economically stronger buyer?

- Yes
- To some extent
- No
- I do not know

Have you experienced any of the following practices during the last 3 years with one of your buyers?

*NOTE: the "last 3 years" refers to full calendar years, i.e. the period 2017-2019*

- 1. Payment later than 30 days for perishable agricultural and food products
- 2. Payment later than 60 days for other agricultural and food products
- 3. Short-notice (less than 30 days) order cancellations of perishable agricultural and food products
- 4. Unilateral contract changes by the buyer
- 5. Payments requested by the buyer that are not related to the sale of the agricultural and food product of the supplier
- 6. Payment for deterioration and/or loss of agricultural and food products (occurring at the buyer's premises) unduly transferred from the buyer to the supplier
- 7. Refusal by the buyer to provide a written confirmation of a supply agreement
- 8. Misuse of a supplier's trade secrets by the buyer
- 9. Commercial retaliation by the buyer
- 10. Payment of costs for examining customer complaints unduly transferred from the buyer to the supplier
- 11. The buyer returns unsold agricultural and food products to the supplier without paying for those, despite this not having been agreed upon before
- 12. The buyer requires the supplier to pay for stocking, displaying and listing of agricultural and food products, despite this not having been agreed upon before
- 13. The buyer requires the supplier to bear costs of discounts for agricultural and food products that are part of a promotion, despite this not having been agreed upon before
- 14. The buyer requires the supplier to pay for advertising, despite this not having been agreed upon before
- 15. The buyer requires the supplier to pay for marketing, despite this not having been agreed upon before
- 16. The buyer requires the supplier to pay for staff of the buyer, fitting out premises used for the sale of the supplier's agricultural and food products, despite this not having been agreed upon before

17. Other practices you consider unfair, please specify

If other, please, indicate below any practice(s) that you consider unfair that were applied to you by your buyer and not included in the list above

*250 character(s) maximum*

How often did you experience each of the practices indicated above in the last 3 years?

*NOTE: the "last 3 years" refers to full calendar years, i.e. the period 2017-2019*

	<20% of usual transactions	20 to 39% of usual transactions	40 to 59% of usual transactions	60 to 79% of usual transactions	≥80% of usual transactions
1. Payment later than 30 days for perishable agricultural and food products	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2. Payment later than 60 days for other agricultural and food products	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
3. Short-notice (less than 30 days) order cancellations of perishable agricultural and food products	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
4. Unilateral contract changes by the buyer	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
5. Payments requested by the buyer that are not related to the sale of the agricultural and food product of the supplier	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

6. Payment for deterioration and/or loss of agricultural and food products (occurring at the buyer's premises) unduly transferred from the buyer to the supplier	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
7. Refusal by the buyer to provide a written confirmation of a supply agreement	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
8. Misuse of a supplier's trade secrets by the buyer	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
9. Commercial retaliation by the buyer	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
10. Payment of costs for examining customer complaints unduly transferred from the buyer to the supplier	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
11. The buyer returns unsold agricultural and food products to the supplier without paying for those, despite this not having been agreed upon before	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



<p>12. The buyer requires the supplier to pay for stocking, displaying and listing of agricultural and food products, despite this not having been agreed upon before</p>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p>13. The buyer requires the supplier to bear costs of discounts for agricultural and food products that are part of a promotion, despite this not having been agreed upon before</p>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p>14. The buyer requires the supplier to pay for advertising, despite this not having been agreed upon before</p>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p>15. The buyer requires the supplier to pay for marketing, despite this not having been agreed upon before</p>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

<p>16. The buyer requires the supplier to pay for staff of the buyer, fitting out premises used for the sale of the supplier's agricultural and food products, despite this not having been agreed upon before</p>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p>17. Other practices you consider unfair, please specify</p>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please, specify other practices you experienced in the last 3 years and considered unfair

And in the current year, how often did you experience each of the following practices?

	<20% of usual transactions	20 to 39% of usual transactions	40 to 59% of usual transactions	60 to 79% of usual transactions	≥80% of usual transactions
1. Payment later than 30 days for perishable agricultural and food products	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2. Payment later than 60 days for other agricultural and food products	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
3. Short-notice (less than 30 days) order cancellations of perishable agricultural and food products	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
4. Unilateral contract changes by the buyer	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
5. Payments requested by the buyer that are not related to the sale of the agricultural and food product of the supplier	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

6. Payment for deterioration and/or loss of agricultural and food products (occurring at the buyer's premises) unduly transferred from the buyer to the supplier	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
7. Refusal by the buyer to provide a written confirmation of a supply agreement	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
8. Misuse of a supplier's trade secrets by the buyer	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
9. Commercial retaliation by the buyer	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
10. Payment of costs for examining customer complaints unduly transferred from the buyer to the supplier	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
11. The buyer returns unsold agricultural and food products to the supplier without paying for those, despite this not having been agreed upon before	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

<p>12. The buyer requires the supplier to pay for stocking, displaying and listing of agricultural and food products, despite this not having been agreed upon before</p>	○	○	○	○	○
<p>13. The buyer requires the supplier to bear costs of discounts for agricultural and food products that are part of a promotion, despite this not having been agreed upon before</p>	○	○	○	○	○
<p>14. The buyer requires the supplier to pay for advertising, despite this not having been agreed upon before</p>	○	○	○	○	○
<p>15. The buyer requires the supplier to pay for marketing, despite this not having been agreed upon before</p>	○	○	○	○	○

<p>16. The buyer requires the supplier to pay for staff of the buyer, fitting out premises used for the sale of the supplier's agricultural and food products, despite this not having been agreed upon before</p>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p>17. Other practices you consider unfair, please specify</p>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please, specify other practice(s) you experienced in the current year and considered unfair

In which stage of the agri-food supply chain do buyers that expose you to unfair trading practices mostly operate?

- Organisations of producers (including agricultural cooperatives)
- Commodity traders
- Primary processing companies
- Trader of intermediary products
- Secondary and further processing companies
- Wholesalers
- Retailers
- Other, please specify

If other, please indicate here the stage where those buyers operate

Did you raise the issue with any of the following operator(s) or body(ies)?

	<20% of the times it occurred	20 to 39% of the times it occurred	40 to 59% of the times it occurred	60 to 79% of the times it occurred	≥80% of the times it occurred	Never
Buyer(s)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Association(s) to whom I belong	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Private dispute settlement body (ies)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Public enforcement authority(ies), including court(s)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other, please specify	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please specify with whom you raised the issue(s)



How would you rate the outcome of you raising the issue with one or more of these entities?

*From 1 star meaning the issue could not be solved*

*To 7 stars meaning the issue was completely solved*

Buyer(s)	
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Association(s) to whom I belong	
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Private dispute settlement body(ies)	
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Public enforcement authority(ies), including court(s)	
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Other, as specified above	
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If you (or your organisation) did not raise the issue(s) with the competent authority(ies), why not?

- Fear of some form of retaliation from the buyer
- Didn't think the competent authority would be able to do anything
- I could address the concerns myself
- Didn't feel that the concerns were important enough
- An association to whom I belong (producer organisation or cooperative) did it for me
- It is a common practice in the sector
- Not sure what the right authority is
- Other, please specify

If for other reason(s), please specify here

Did the COVID-19 outbreak have an impact on the frequency of unfair trading practices (UTPs)?

- Yes, we experienced fewer UTPs
- Yes, we experienced more UTPs
- No, COVID-19 did not affect the use of UTPs

Please, specify the main practices you experienced in the current year particularly due to COVID-19

## Acceptance for follow-up survey

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To be able to evaluate the use of UTPs over time, this survey will be repeated on a yearly basis. We would very much appreciate your participation on a regular basis to build up consistent and robust data. Do you kindly accept to be invited to future surveys on UTPs?

- Yes, please invite me
- No, please do not invite me

### \* E-mail

Please provide an e-mail address where you will receive an automatic notification of new survey.

## Additional information

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Name of respondent (*Optional*)

Your professional e-mail address (*Optional*)

Name of the organisation or group you represent (*Optional*)

NOTE: Insert "self-employed" if that's the case

What is your role in the company or business you represent here? (*Optional*)

