

1 Do you sell agricultural or food products to an economically larger buyer?

2 Are you aware that, as a supplier of agri-food products, you have legal protection against 16 unfair trading practices – 10 of which are unconditionally prohibited (*Black*) and 6 conditionally prohibited? (*Grey*)?

3 Are you aware that if you have been subject to any of the 16 specific unfair trading practices that you can make a complaint to the UTP Enforcement Authority?

10 BLACK PRACTICES (UNCONDITIONALLY PROHIBITED)

1. PAYMENTS LATER THAN 30 DAYS FOR PERISHABLE AGRI-FOOD PRODUCTS

2. PAYMENTS LATER THAN 60 DAYS FOR NON-PERISHABLE AGRI-FOOD PRODUCTS

3. ARE YOU AWARE THAT YOUR BUYER CANNOT CANCEL A SUPPLY AGREEMENT AT SHORT NOTICE?

4. ARE YOU AWARE THAT YOUR BUYER CANNOT UNILATERALLY CHANGE A SUPPLY AGREEMENT?

5. HAVE YOU BEEN ASKED FOR A PAYMENT FROM A BUYER THAT IS NOT RELATED TO THE SALE OF YOUR AGRI-FOOD PRODUCTS?

6. YOU CANNOT BE ASKED TO PAY FOR THE DETERIORATION AND/OR LOSS OF AGRI-FOOD PRODUCTS THAT OCCURS ON THE BUYER'S PREMISES WHERE SUCH DETERIORATION OR LOSS IS NOT CAUSED BY YOU?

7. DID YOU KNOW YOU CANNOT BE REFUSED WRITTEN CONFIRMATION OF THE SUPPLY AGREEMENT WITH YOUR BUYER?

8. A BUYER CANNOT UNLAWFULLY ACQUIRE, USE OR DISCLOSE TRADE SECRETS OF A SUPPLIER

9. YOUR BUYER CANNOT THREATEN TO CARRY OUT, OR CARRY OUT, ACTS OF COMMERCIAL RETALIATION IF YOU COMPLAIN TO THE AUTHORITIES OR CO-OPERATE AS PART OF AN INVESTIGATION

10. A BUYER CANNOT ASK FOR COMPENSATION FROM YOU FOR THE COST OF EXAMINING CUSTOMER COMPLAINTS RELATING TO THE SALE OF YOUR PRODUCTS, IN THE ABSENCE OF NEGLIGENCE OR FAULT ON YOUR PART





6 GREY Practices (Conditional):
Prohibited, unless agreed by all
parties beforehand a Buyer cannot

1. return unsold products without paying for those unsold products
2. charge for stocking, displaying or listing of your products
3. charge for promotion of your products
4. charge for marketing
5. charge for advertising
6. charge for staff employed to fit out their premises

GUIDE FOR SUPPLIERS

UNFAIR TRADING PRACTICES (UTP) REGULATIONS 2021

