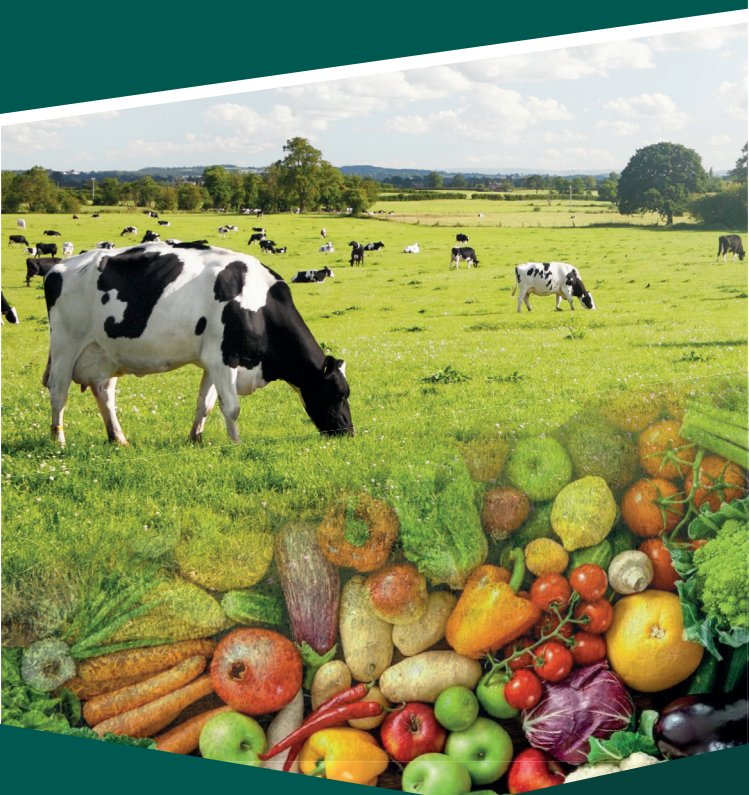




An Roinn Talmhaíochta,
Bia agus Mara
Department of Agriculture,
Food and the Marine

The Unfair Trading Practices in the Agricultural and Food Supply Chain Regulations 2021

Suppliers: Know your rights
Buyers: Know your obligations



An tÚdarás um Fhorfheidhmiú Cleachtais Trádála Éagóracha
Unfair Trading Practices Enforcement Authority
www.utp.gov.ie



Unfair Trading Practices Regulations Key Points

- Protects farmers, farmers organisations, fishers and other weaker suppliers of agricultural and food products against stronger buyers
- Prohibits ten 'black' UTPs in all circumstances
- Prohibits six 'grey' UTPs unless the parties agree clearly and in an unambiguous manner beforehand
- Established an Enforcement Authority
- Applies only to business-to-business relationships in the agricultural and food supply chain
- Applicable since 1st July 2021 to all new supply agreements established since 28th April 2021
- From 28th April 2022, all supply agreements, including those that were in place before 28th April 2021, must be in compliance with the Regulations



Black UTPs – these are prohibited in all circumstances

- 1.** Payments 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 cancellations of perishable agricultural and food products
- 4.** Unilateral contract changes by the buyer
- 5.** Payments not related to a specific transaction
- 6.** Risk of loss and deterioration transferred to the supplier
- 7.** Refusal of a written confirmation of a supply agreement by the buyer, despite request of the supplier
- 8.** Misuse of trade secrets by the buyer
- 9.** Commercial retaliation by the buyer
- 10.** Transferring the costs of examining customer complaints to the supplier



Grey UTPs - these are prohibited unless the parties agree clearly and in an unambiguous manner beforehand

1. The buyer returns unsold products to the supplier without paying for those unsold products
2. Payment by the supplier for stocking, display and listing
3. Payment by the supplier for promotion
4. Payment by the supplier for marketing
5. Payment by the supplier for advertising
6. Payment by the supplier for staff of the buyer, fitting out premises

Complaints

If you are a supplier and feel that you have been the subject of an Unfair Trading Practice, please contact the Enforcement Authority.

Enforcement Authority Contact Details

Website: www.utp.gov.ie

Email: utp@agriculture.gov.ie

Phone: +353 (0)1 505 8607