Public consultation on the Evaluation of the Commercial Agents Directive

Fields marked with * are mandatory.

Introduction

Commercial agents are self-employed intermediaries authorised on a permanent basis to negotiate the sale or purchase of goods in the name and on behalf of another person (the principal). The objective of the Commercial Agents Directive was to move towards a single market for commercial representation and improve the conditions of competition by facilitating the conclusion and operation of commercial representation contracts across borders through harmonised rules.

For this purpose, the Directive defines the commercial agents falling under its scope and harmonises the rights and obligations of commercial agents and their principals, and defines rules for the remuneration of the commercial agent, the conclusion and the termination of the contract and the restraint of trade after the termination of the contract.

The purpose of the consultation is to get more in-depth information on the functioning of the directive, including from stakeholders representing commercial agents, principals or consumers. The responses to the consultation will support the evaluation of the Directive.

The consultation questionnaire contains questions about (i) the impact of the Directive since its entering into force, in particular regarding its significance for SMEs and cross-border activities, (ii) the relevant market of commercial agents and principals and (iii) stakeholder views on the future of the Directive.

More information:

- **on this consultation**
- **on the protection of personal data regime for this consultation** de en fr

1. Information about the respondent

Are you replying as:*

- ○ a commercial agent or an organisation representing commercial agents
- ◉ a company (principal) using the services of commercial agents or an organisation representing principals
- ○ a private individual
- ○ other

Is your organisation included in the Transparency Register? (If your organisation is not registered, we invite you to register here, although it is not compulsory to be registered to reply to the consultation)*

Citizens have a right to expect that European institutions' interaction with citizens' associations, NGOs, businesses, trade and professional organisations, trade unions, think tanks, etc. is transparent and takes place in compliance with the law as well as in due respect of ethical principles, avoiding undue pressure, illegitimate or privileged access to information or to decision makers. The Transparency Register exists to provide citizens with direct and single access to information about who is engaged in activities aiming at influencing the EU decision-making process, which interests are being pursued and what level of resources are invested in these activities. Please help us enhancing transparency by registering!

- ◉ Yes
- ○ No

If so, please indicate your Register ID number:*

244874814189-27

Please indicate your full name (name of the organisation/authority/company as applicable)*

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Please indicate your contact details*

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Please indicate your email address*

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Please specify your country of residence or establishment. If responding on behalf of an organisation/association, please indicate the countries represented by your membership.*

- [ ] All Member States of the European Union
- [ ] Austria
- [ ] Belgium
- [ ] Bulgaria
- [ ] Croatia
- [ ] Cyprus
- [ ] Czech Republic
- [ ] Denmark
- [ ] Estonia
- [ ] Finland
- [ ] France
- [ ] Germany
- [ ] Greece
- [ ] Hungary
- [ ] Ireland
- [ ] Italy
- [ ] Latvia
- [ ] Lithuania
- [ ] Luxembourg
- [ ] Malta
- [ ] Poland
- [ ] Portugal
- [ ] Romania
- [ ] Slovakia
- [ ] Slovenia
- [ ] Spain
- [ ] Sweden
- [ ] The Netherlands
- [x] United Kingdom

2. Questionnaire

2.1 General Questions on the Commercial Agents Directive

Does the legislation help to facilitate cross-border activities of commercial representation?

- ○ No effect
- ◉ Very limited effect
- ○ Partial effect
- ○ Significant effect
- ○ Don't know

Please explain:

We still have effectivly NO harmonisation in the EU for veteriary medicinal products

What are the main costs and benefits of the Directive for (i) commercial agents and (ii) principals?

Agents are unregisterd in the UK and as such are part of the problem not part of the solution.

What effects does the Directive have on SMEs (i) as commercial agents and (ii) as principals?

- ◉ Negative effect
- ○ Neutral
- ○ Positive effect
- ○ Don't know

Can you describe the effects, if any?

They provide no increase in competition and because they are not registered in the UK they are effectively unregulated they make it difficult to determine and maintain a paper trail for veterinary POM's

Do you know about any existing studies in this context?

No

At overall market level, does the benefits of the Directive outweigh its costs?

- ○ Costs much higher
- ○ Costs slightly higher
- ○ Neutral
- ○ Benefits slightly higher
- ○ Benefits much higher
- ◉ Don't know

2.2 Views on the future of the Directive

Is the Directive still fit for purpose in meeting its objectives?

Please rate the Directive on a scale from 1 (not at all fit for purpose) to 10 (perfectly fit for purpose).

	1 (not at all fit for purpose)	2	3	4	5	6	7	8	9	10 (perfectly fit for purpose)
Please rate the Directive	◉	○	○	○	○	○	○	○	○	○

Please explain:

In the UK veterinary medicines it has, effectivly, not been implimented so it simply does not apply. Hence it cannot be fit for purpose!

What is the added value of EU legislation in this field?

Without harmonisation cost will continue to rise and product availability will continue to decline.

What would be the effects if the Directive were to be withdrawn and Member States were free to adjust their national regulatory frameworks?

It would have no impact whatsoever, as we do not implement it in our industry, in the UK!

2.3 Information on the market of commercial representation (if available)

Individual commercial agents

What is the size of your undertaking in terms of staff?

We employ under a dozen staff

Are you primarily active in business-to-business (B2B) or business-to-consumer (B2C) transactions?

Business to business

How many of your activities take place across borders (approx. share of domestic / cross-border intra-EU / cross-border outside EU relationships)?

Almost none as we are effectivley prohibited from cross border trade by the lack of harmonised legislation.

Commercial agents or their representatives (associations / federations)

How has the overall market of commercial agents affected by the Directive developed, in particular in terms of number of undertakings and overall turnover?

Nothing has changed with regard to the EU harmonisation of veterinary medicinal products legislation in more than two decades. If it was not so tragic it would be funny.

In your opinion to what extent has the Commercial Agent Directive affected these developments?

Absolutely none whatsoever. There is NO single market in veterinary medicinal products in the EU just a collection of protectionist authorities establishing and maintaining their own fiefdoms!

What is the typical size of the commercial agents' undertakings in your country (approx. share of stand-alone / SMEs / large enterprises in the total commercial agent population)?

Unknown, as they are not required to be registered in the UK and so remain unidentified

Are commercial agents typically involved in B2B or B2C transactions (approx. share of overall turnover with businesses / consumers in the total turnover of commercial agents)?

B2B we think but not easy to be certain.

To which degree does commercial representation take place across borders (approx. share of domestic / cross-border intra-EU / cross-border outside EU relationships in the total turnover of commercial agents)?

Probably less than 2%

Individual principals

What is the size of your undertaking in terms of staff?

Under a dozen staff

In which economic sector are you active and using the services of commercial agents?

We operate in the veterinary medicinal products sector.

Are you using services of commercial agents across borders (approx. share of domestic / cross-border intra-EU / cross-border outside EU relationships)?

We are not able to trade across borders as there is effectively no harmonisation of legislation in this sector.

What are the main reasons for you to use the services of commercial agents?

We don't because we are not allowed.

Principals or their representatives (associations / federations)

What is the typical size of the undertakings (principals) using the services of commercial agents in your country (approx. share of SMEs / large enterprises in the total population of principals using commercial representation)?

Which are the main economic sectors that rely on services of commercial agents?

To which degree are commercial representation services used across borders (approx. share of domestic / cross-border intra-EU / cross-border outside EU relationships in the total turnover of principals using commercial representation)?

What are the main reasons for principals to use the services of commercial agents?

3. Before submitting your contribution

Please note that contributions received are generally intended for publication on the Commission's website (see specific privacy statement de en fr).