



EUROPEAN COMMISSION

Brussels, 22.08.2018

C (2018) 5646 final

*Dear President,*

*The Commission would like to thank the Senat for its Opinion on the proposal for a Directive of the European Parliament and of the Council on unfair trading practices in business-to-business relationships in the food supply chain {COM(2018) 173 final}.*

*This proposal forms part of a broader package of ambitious measures designed to improve the functioning of the food supply chain to help farmers strengthen their position in the market place and help protect them from future shocks.*

*It aims at reducing the occurrence of unfair trading practices in the food supply chain by introducing a minimum common standard of protection across the European Union. Provisions targeting minimum enforcement requirements applying to national competent authorities add to the deterrent character of the proposed regime.*

*The Commission notes the Senat's view that the subsidiarity principle is respected and the proportionality principle is partially respected. The Commission takes good note of the Senat's suggestions with regard to the extension of the scope of the prohibited unfair trading practices, currently laid out in Article 3 of the proposal.*

*The Commission would like to emphasise that the minimum harmonisation approach taken in the proposal would leave the possibility for Member States to cover other unfair trading practices, provided that these measures comply with the Union acquis on the internal market.*

*The reason for choosing a minimum harmonisation approach was that the Commission is mindful of the fact that 20 Member States already adopted legislation in this area. The introduction of a minimum standard in all Member States would bring in particular the eight Member States without specific rules up to a minimum level of protection and enforcement. The aim of such a flexible proposal is to achieve effective results in combating the most damaging unfair practices while accepting that other actors do not seek legislation in this area. At the same time, this approach allows those Member States that already apply tougher standards against unfair trading practices to continue to do so.*

*Mr Călin POPESCU-TĂRICEANU*

*President of the Senat*

*Calea 13 Septembrie nr. 1-3, sector 5*

*RO – 050711 BUCHAREST*

*The proposal is currently in the legislative process involving both the European Parliament and the Council.*

*The Commission hopes that these clarifications address the issues raised by the Senat and looks forward to continuing the political dialogue in the future.*

*Yours faithfully,*

*Pierre MOSCOVICI  
Member of the Commission*