

BUYER BUSINESS CHECKLIST FOR THE UNFAIR TRADING PRACTICES (UTP) REGULATIONS



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Has your business taken the necessary measures to comply with the UTP Regulations¹? If you are not fully prepared, you are not alone! To assist your efforts, we have distilled key actions that will aid compliance with the Regulations into a simple 6-point checklist.

- 1. Does your business buy agricultural and food products and is its annual turnover (including that of any linked or partner companies) in excess of €2 million?**

This establishes if your business is in scope for the UTP Regulations. If you answer Yes to this question, then you should proceed with addressing the remaining questions in this checklist.

- 2. Have you nominated a compliance officer to ensure that your UTP Regulations obligations are met?**

The Regulations do not require you to do this but having a person responsible for overseeing internal compliance will help ensure things will get done! Ideally, the UTP compliance officer should be an existing staff member who is not part of the buying team and preferably has responsibility for regulatory/compliance issues.

- 3. Have you examined all your supply agreements to ensure they are fully in compliance with the UTP Regulations?**

The Regulations set out 16 prohibited trading practices that apply to both written and oral supply agreements. All supply agreements should be reviewed and updated as necessary to ensure compliance with the Regulations.

- 4. Is there a plan to educate and update staff about the obligations the UTP Regulations place on your business?**

Consider developing a training and dissemination program that covers UTP issues in general but also highlighting areas which relate in particular to your suppliers.

- 5. Do you have clear and explicit reference to the UTP Regulations in all relevant business policies, procedures and control documents?**

The provisions of the UTP Regulations are now legally enforceable and therefore all relevant policies, procedures and control documents should be updated where appropriate in order that staff understand if any changes in any business practices are required.

- 6. Have you visited the Enforcement Authority's website?**

You will find lots of useful resource materials and information on the UTP Regulations at www.utp.gov.ie that provide further clarifications and context on the questions in this checklist document, including a Frequently Asked Questions section. You will also find contact details for the Authority here if you have any further questions.

1. Please note this checklist is for guidance purposes. Independent legal advice should be sought to confirm that your business is fully compliant with the UTP Regulations: S.I. 198/2021 – European Union (Unfair Trading Practices in the agricultural and food supply chain).