

(English version)

**Question for written answer E-002960/26  
to the Commission  
Marko Vešligaj (S&D)  
(15 July 2026)**

*Subject:* Establishing a common organisation of the markets in agricultural products

Article 168(4) of Regulation (EU) No 1308/2013 lays down the mandatory elements of written contracts for the supply of agricultural products, including clearly defined quality criteria and their impact on the price. The Republic of Croatia has implemented this provision through the regulation on contractual relations for wheat purchase (2019), which requires that every contract or written offer contains minimum quality requirements and standard values for each parameter (protein, hectolitre weight, admixtures and moisture) and their impact on the setting of the price.

In practice, first purchasers of wheat systematically deviate from these obligations. Specifically, they selectively apply certain quality parameters while ignoring others, particularly the hectolitre weight, when they benefit the producers. Such conduct results in producers being assigned a lower quality grade and paid a lower purchase price, causing direct material losses and calling the fairness of contractual relationships into question. Furthermore, it has been observed that purchasers are applying this practice in a uniform manner, which suggests a possible breach of competition law.

In the light of the above:

1. What are the obligations of Member States in ensuring the effective implementation of Article 168(4), and what sanctions may follow if a Member State fails to prevent such practices?
2. What legal mechanisms are available to producers at EU level?
3. Could such conduct constitute a breach of EU competition law?

Submitted: 15.7.2026

**Answer given by Mr Hansen on behalf of the European Commission  
(18 August 2026)**

1. Under Article 168 of the common markets Organisation (CMO) Regulation<sup>(1)</sup>, where Member States require written contracts for the delivery of agricultural products, including wheat, such contracts must include the elements laid down in paragraph 4. Where the price is variable, the price clause must specify transparently the factors used to calculate the final price, which may include objective indicators reflecting, among other things, the quality or composition of the products delivered. While such indicators are not compulsory, Member States may introduce stricter requirements to combat unfair trading practices, provided that these are appropriate and proportionate<sup>(2)</sup>.

The recent amendment to the CMO Regulation strengthens this framework by making written contracts the default rule, subject to exceptions, and requiring objective indicators where the price is variable, while preserving the parties' flexibility<sup>(3)</sup>.

2. Where Member States have used Article 168 CMO, enforcement is ensured through the applicable national framework, including national contract law and legislation transposing the Unfair Trading Practices (UTP) Directive<sup>(4)</sup>. A buyer's refusal to provide written confirmation of a supply agreement, despite the supplier's request, is prohibited under the UTP Directive and may be investigated by the national authorities.

3. Parallel conduct by agricultural product purchasers cannot in itself be equated with concertation, as it may result from independent adaptation to market conditions<sup>(5)</sup>. Therefore, evidence of coordination would be required.

Whether the conduct described infringes EU competition law must in any event be investigated and assessed on a case-by-case basis by the competent competition authority.

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<sup>(1)</sup> Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products, OJ L 347, 20.12.2013, p. 671.

<sup>(2)</sup> Judgment of 13 November 2019, Lietuvos Respublikos Seimo narių grupė, C-2/18, ECLI:EU:C:2019:962, para. 70.

<sup>(3)</sup> Regulation (EU) 2026/1739 of the European Parliament and of the Council of 8 July 2026 amending Regulations (EU) No 1308/2013, (EU) 2021/2115 and (EU) 2021/2116 as regards the strengthening of the position of farmers in the food supply chain, OJ L, 29.07.26.

<sup>(4)</sup> Directive (EU) 2019/633 of the European Parliament and of the Council of 17 April 2019 on unfair trading practices in business-to-business relationships in the agricultural and food supply chain, OJ L 111, 25.4.2019, p. 59.

<sup>(5)</sup> Judgment of 31 March 1993, *Ahlström and others v Commission*, C-89/85, ECLI:EU:C:1993:120, para. 71.