

The Danish UTP Act

Annual report on enforcement
activities in 2025

June 2026



KONKURRENCE- OG FORBRUGERSTYRELSEN

The Danish UTP Act

The Danish Competition and Consumer Authority

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Chapter 1

Introduction

On 1 July 2021, the Danish Act on unfair trading practices in business-to-business relationships in the agricultural and food supply chain entered into force; cf. Act No. 719 of 27 April 2021¹ (the Danish UTP Act). The Danish UTP Act transposes Directive 2019/633/EU on unfair trading practices in business-to-business relationships in the agricultural and food supply chain² (hereafter referred to as the "UTP Directive"). The Directive intends to eliminate or limit certain types of trading practices (so-called "Unfair Trading Practices").

Under article 10, subsection 1 of the Directive, the Danish Competition and Consumer Authority (hereafter referred to as "the DCCA") must publish a report, which describes the activities that fall within the scope of the UTP Directive. The report includes i.a. the number of complaints received and the number of investigations opened or closed during the previous year.

This report covers the period from January 1 to December 31, 2025.

¹ <https://www.retsinformation.dk/eli/lta/2021/719> (The Danish UTP Act)

² [L 2019111DA.01005901.xml](https://eur-lex.europa.eu/eli/dir/2019/633/oj) (europa.eu)

Chapter 1

The rules

2.1 Rules on unfair trading practices in the agricultural and food supply chain

The Danish UTP Act regulates trade between buyers and suppliers at all levels of the agricultural and food supply chain. This includes producers of primary goods, manufacturing firms, distributors and retail trade. The Act does not regulate consumers' purchase of agricultural and food products.

The Act regulates agreements between suppliers and buyers of agricultural and food products. The Danish implementation goes beyond the underlying UTP Directive by expanding the scope, with certain exceptions regarding the rules on maximum payment terms in Sections 3 and 4 of the Act. This expansion means that all suppliers benefit from the protection provided by the Directive, regardless of the supplier's size and relative bargaining power. With regard to the rules concerning maximum payment periods in Sections 3 and 4 of the Act, there are certain exceptions for small buyers with an annual revenue of EUR 2 million or less and for large suppliers with an annual revenue of more than EUR 350 million, respectively.

Box 2.1

Background to the rules

- » Aim to protect producers and suppliers of agricultural and food products against unfair trading practices from larger buyers
- » Prohibits 16 types of unfair trading practices

Chapter 2

Enforcement of the Act

3.1 The DCCA's Enforcement of the Act in 2025

The DCCA has been appointed as the independent enforcement authority of the rules concerning unfair trading practices in the Danish UTP Act. Thus, the DCCA receives complaints and adopts decisions in accordance with the Danish UTP Act.

The DCCA has not received any complaints or initiated any investigations in 2025.

3.2 Focus on information and guidance

Since the Act came into force, the DCCA has focused on informing and advising companies about the rules in the Danish UTP Act. This has also been the case in 2025, where the DCCA has, on an ongoing basis, provided general guidance to companies regarding the scope of the Act, as well as its provisions and their interpretation.

In 2025, as in previous years, the DCCA has been in dialogue with market actors about their experiences with the Act.

The DCCA's understanding remains, partly based on dialogue with industry organizations, that companies have, to a large extent, adapted to the rules since the law's implementation. Furthermore, it's the DCCA understanding that suppliers, buyers, and industry organizations largely address issues related to unfair trading practices through dialogue.

However, some industry organizations have pointed out that there is still room for improvement in certain areas when it comes to the practical application of the Act and market actors' compliance with the rules.

It is the DCCA's overall assessment – partly based on the authority's monitoring and evaluation of the Danish UTP Act from November 2024³, that the law, in its current form, adequately fulfils the objectives of the underlying UTP Directive, namely to protect producers and suppliers of agricultural and food products against unfair trading practices from larger buyers.

³ The evaluation can be read in danish here: [Konkurrence-og Forbrugerstyrelsens Evaluering af fødevarerhandelsloven, november 2024](#).

Box 3.1
Prohibition

Absolute prohibitions (Black list⁴)

1. Payment for perishable agricultural and food products later than 30 days⁵
2. Payment for other agricultural and food products later than 60 days⁶
3. Cancellation of orders of perishable products at short notice
4. Unilateral changes of supply agreements
5. Requesting payments that are not related to the supplier's sale of agricultural and food products
6. Requesting payment for the deterioration or loss, or both, of goods which is not caused by the negligence or fault of the supplier
7. Buyer refuses to confirm in writing the terms of a supply agreement
8. Illegal acquisition, use or disclosure of the supplier's trade secrets
9. Buyer threatens to or carries out acts of commercial retaliation, for example if the supplier's legal rights are exercised
10. Requesting compensation for costs of examining customer complaints, despite the absence of negligence or fault on the part of the supplier

Prohibitions that can be waived by prior agreement (Gray list⁷)

1. The buyer returns unsold agricultural and food products without paying for those.
2. The supplier is charged for stocking, displaying or listing of the goods
3. The buyer requires the supplier to bear all or part of the costs of any discounts as result of e.g. sales promotion
4. Requesting payment for advertising the product
5. Requesting payment for marketing of the product
6. Charging for staff for fitting-out premises used for the sale of the good

3.3 Cooperation across EU member states

In order to achieve a consistent approach to the interpretation of the rules on unfair trading practices throughout the EU, the UTP Directive prescribes a close collaboration between the enforcement authorities of the EU Member States and the European Commission. The collaboration primarily consists of meetings within the UTP network, where the implementation and enforcement of the prohibitions are discussed, and the enforcement authorities send "requests for information" (RFIs) to each other concerning, among other things, experiences with enforcement, interpretation of provisions, and specific cases.

The DCCA has also, in 2025, participated in discussions with several European enforcement authorities regarding the transposition and enforcement of the prohibition provisions, and has responded to a number of RFIs from other enforcement authorities.

⁴ The trading practices listed in Sections 3-5 of the Danish UTP Act are considered unfair due to their nature and are therefore always prohibited. These prohibitive provisions are referred to as the "black list," while the corresponding provisions in the EU context are referred to as "The Black List" or 'Black UTPs.'

⁵ For suppliers with turnover above 350 million euros, only a maximum payment term of 60 days applies. No maximum payment terms are set for buyers with an annual turnover of less than 2 million euros.

⁶ Ibid.

⁷ The forms of trading practices listed in Section 6 of the UTP Act are only lawful if an agreement has been made beforehand in clear and unambiguous terms in the delivery agreement or in a subsequent agreement between the parties. These prohibitive provisions are referred to as the "grey list," while the corresponding provisions in the EU context are referred to as 'The Grey List' or 'Grey UTPs.'

Chapter 3

Danish EU Presidency

4.1 The work under the Danish EU Presidency

The Danish Competition and Consumer Authority contributed in 2025 to a political agreement between Denmark, as the EU Presidency country, and the European Parliament on strengthened cooperation between national authorities regarding unfair trading practices in the food supply chain. The agreement improves cross-border cooperation without increasing the administrative burden for the agricultural and food sector and does not amend the current directive.

With the new regulation, concrete tools are introduced, enabling enforcement authorities across the EU to request mutual assistance from one another. In practice, this means that national authorities can now ask their counterparts in other Member States to collect evidence, conduct investigations, or enforce sanctions across borders. In addition, coordinated actions are now possible in cases involving three or more EU countries.

The regulation was formally adopted at the beginning of 2026. It enters into force on the twentieth day following its publication in the Official Journal of the European Union and will apply in full 18 months after the date of entry into force.

The final text can be read here: [European Parliament's adopted text of 12 February 2026](#).
