

THE SUPPLY CHAIN INITIATIVE

Together for good trading practices

OECD FOOD CHAIN ANALYSIS NETWORK (FCAN)
5th Meeting - Paris 30 / 31 October 2013

Session I / Panel 1 : Competition between Food Chain Participants

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Ten Principles of Fair Trading Practice

3 General Principles

1. Consumer Interests and sustainability
2. Freedom of Contract
3. Fair Dealing



7 Specific Principles

1. Written agreements
2. Predictability
3. Compliance with agreements
4. Information exchange
5. Confidentiality
6. Responsibility for risk
7. Justifiable request

Compliance with applicable laws including competition law

Examples of fair and unfair practice

- Agreements – written / unwritten
- General terms and conditions
- Termination
- Contractual sanctions
- Unilateral actions
- Information
- Listing fees
- Threatening business disruption
- Tying
- Delivery and reception of goods

The commitments

1st commitment:

Respect the Principles

1. Consumer interests and sustainability
2. Freedom of Contract
3. Fair Dealing
4. Written agreements
5. Predictability
6. Compliance with agreements
7. Information exchange
8. Confidentiality
9. Responsibility for risk
10. Justifiable request

REMEDIES

Depend on dispute resolution option

2nd commitment:

Respect the process

1. Registration by European CEO
2. Review and monitor compliance with Principles
3. Communicate internally, train staff for compliance
4. Inform business partners
5. Dispute resolution capability
6. Participate in surveys

REMEDIES / SANCTIONS
Proportionate and gradual
Decided by the Governance Group
(Rules of procedure)

Monitored by a Governance Group composed of representatives of the stakeholder associations

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Governance



- Consensus
- Confidentiality
- Anonymity
- Legal Compliance

Aggregated dispute

- **Definition**
  A dispute regarding an alleged serious breach of a Principle introduced by several companies similarly affected.

- **Procedure**
  - Collect the relevant information in a legally compliant manner in order to verify that the complaint has substance
  - Ensure that interpretation or guidance regarding a principle or example is required
  - Respect of confidentiality and anonymity

- **Which level?**
  - Operators in the same country → National level
  - Cross border dimension and cases for which there is no national stakeholder platform in place → European level

Tools

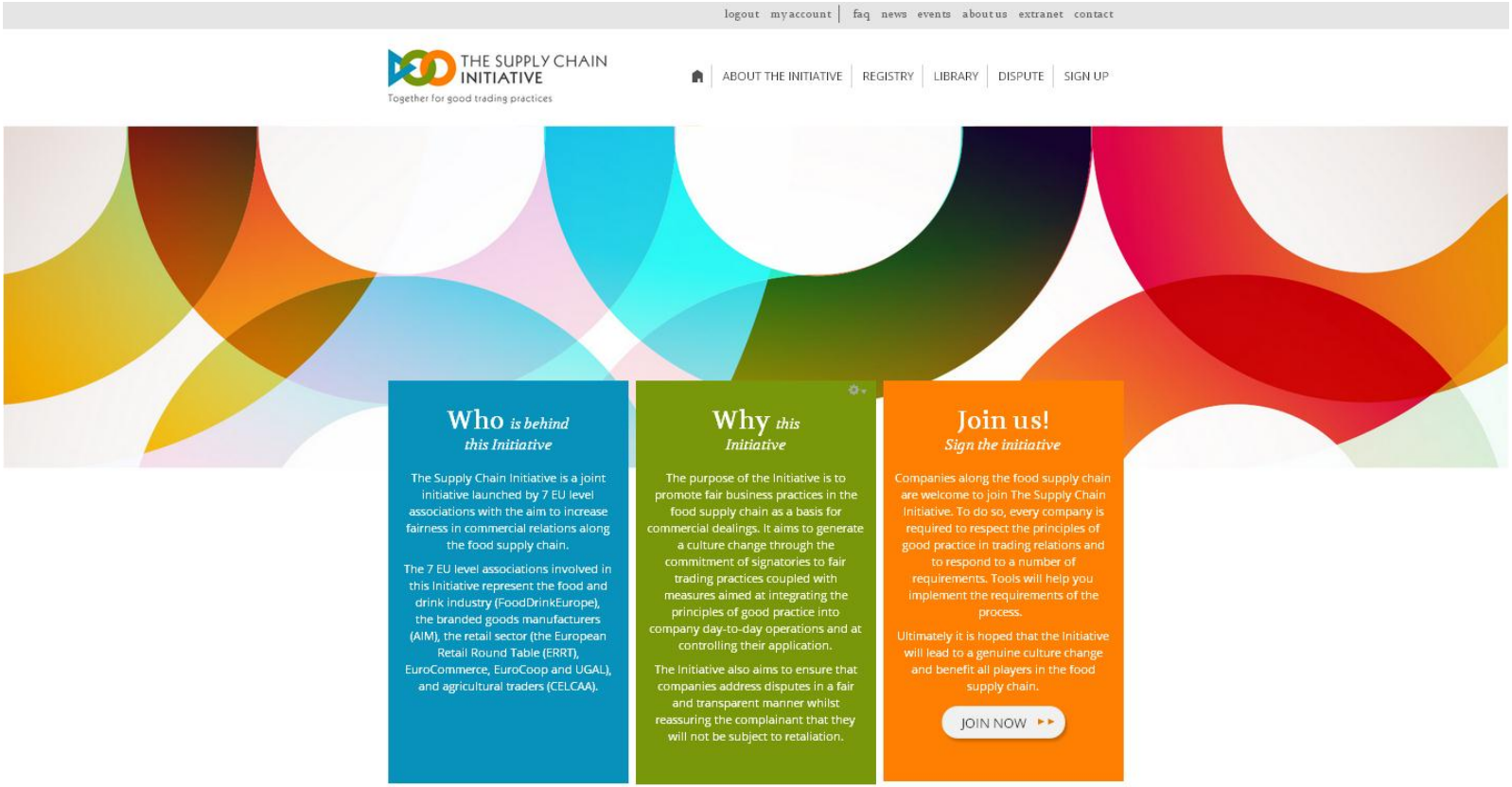
- Self-assessement
- Elearning : http://www.saiglobal.com/cs4-supplychain-initiative/



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The website

www.supplychaininitiative.eu



Companies that have already committed to register























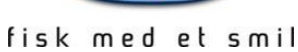
































Companies that have already committed to register



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