

2009th Act XCV. law

the agricultural and food products in relation with suppliers unfair distribution practices prohibiting ^a

The Hungarian food industry forms an integral part of food production and processing, and food trade organizations, such as food chain actors to build trust and cooperation, for the market relations settlement and ethical business conduct standards for enforcement of outstanding importance, and the actors bargaining power to ensure a balanced view of the market, as well as food security and maintaining consumer confidence in order to preserve the National Assembly adopted the following Act:

General Provisions

First § This law is intended to carry out agricultural and food products trade unions, and fair business practices among their suppliers ensure the realization.

Second § (1) This Act applies to

a) *the* agricultural and food product production and processing of legal persons, unincorporated business associations and other business entities, natural persons (including primary producers, private entrepreneurs and family farmers as well), and the separate statutory producer organization or producer group

b) conversion of agricultural and food products (processed) without any further sales, or sales to the ultimate consumer of legal persons, unincorporated business associations and other business entity, individual, and those on accounting 2000th Act CAct (hereinafter the Act) by affiliated companies in organisms, and such person or organization to which the product purchase, or sale of services and in doing direct business with the supplier of the product in contact with the third intermediate players.

(2) For the purposes of this Act:

a) ^{two} suppliers: a - agricultural and food products manufacturing, processing, and specific legislation that the producer organization or producer group is considered as well as their exclusive controlled by - legal persons, unincorporated business association, other entity or natural person which the trader sells the produced and processed products;

b) distribution behavior: the dealer and the dealer or to the person or organization acting on behalf of the product, by purchasing or selling related behavior, activity, omission;

c) Dealer means any legal entity, unincorporated business association or other entity, natural person, and this St. According to affiliated companies in the organization, as well as joint purchasing, the purchasing alliance creative businesses of all that the business of economic activity from the supplier directly or indirectly purchased product to the final consumer are sold, or conversion (processing) without further selling, and such person or organization to which the product purchase, or sale of services and in doing so, the product suppliers in the direct business contact with a third involved in;

d) agricultural and food products: a - laying down the general principles and requirements of the European Food Safety Authority and laying down procedures in matters of food safety on the European Parliament and of the 2002nd January 28 of Regulation 178/2002/EC of the second concept within the meaning of Article - product, which the ultimate sales to consumers without further processing other.

The unfair distribution practices

Third § (1) prohibited the unfair distribution practices.

(2) is deemed to be an unfair distribution

a) the trader to unilaterally beneficial result in terms of risk-sharing requirements, the supplier with the contract;

b) *the* use of contractual terms - not including the default performance requirement - that the retailer's suppliers delivered products

ba) by the supplier must repurchase or take-back and

bb) the purchase price in comparison - the product characteristics, supply resulting from the further usability - is not sufficiently reduced prices to repurchase or take-back required;

c) ³ of the trading business interests of the costs - in particular üzletlétesítéssel, operation, operation of the product by the retailer used logistic units other logistic unit or the business of transport-related costs - in part or in whole shift of the supplier, the retailer or third involved in the use of the way;

d) the dealer or supplier of the product scope of the trading of stocks to bekerülésért and there for hours - or by the trader involved in the use of a third way - charging a fee to the supplier;

e) the retailer or third involved the use of the way

ea) does not actually provide a service,

eb) the dealer's sales related to the ultimate consumer and the supplier is not providing additional services for activities - in particular the product specified in the dealer's shop, not the supplier to provide additional services to be kihelyezéséért -

ec) is not required by the supplier and not the interests of service utilization standards, and for these services,

ed) by the supplier requested and actually provided by the retailer, the product marketing of the service is not commensurate with

fee - for any reason whatsoever - is charged to the supplier;

f) ⁴ by the retailer to the ultimate consumer is offered a discount for discount consumer towards the provision of the duration of longer duration and quantity greater than quantity - even a partial degree - supplier contribution clause, or by the retailer to the final consumer provided árendedménynél greater supply contribution clause, and (2a) of the provision of non-compliance;

g) the dealer operation covered by the authority of offense against the dealer arising jogkövetkezményből costs passed on to the supplier;

h) ⁵ of the product against the value - of defective performance except in case of - the supplier of the product from the merchant or operating on behalf of another person by taking possession (receipt) within thirty days of late payment, if the supplier's invoice receipt within fifteen days of the trade available provide, as well as (2b) of the provision of non-compliance;

i) application of the discount required for the case where the trader's financial performance in accordance with the payment deadline;

j) interest on late payment, penalty or other obligation of the contract and guarantees against the dealer for the applicability of exclusion;

k) the dealer under the brand name product made by the sole exception of the supplier's sales are an obligation towards proportional to the dealer without compensation, and the dealer is in the direction of application of the clause in the best conditions compared to other dealers;

l) the dealer and the supplier in writing in the contract provision is not applied in cases where the suppliers have in writing to this request within three working days does not take place;

m) if the trader is supplying the product to order, and to communicate beyond a reasonable time to change;

n) by the dealer, is not objectively justified and the trading operation of the external event can not be traced back from the unilateral contract modification;

o) (5) failure to disclose in accordance with store policy, published in the deviation terms, conditions, and conditions are applied outside the retailer;

p) the supplier's legitimate use of the mark by the trade restrictions;

q) ⁶ of the product - the stocks of the trading activity of cessation or reorganization of a maximum of fifteen days and the agricultural administration having announced in advance and sell off, and not a complete product to sell off except in case of - the supplier's invoice for delivery price and the dealer's own production If the cost price of the sale by the dealer during the final consumer;

r) ⁷ by the dealer sell the quantity of products based on enforceable discounts, commissions or fees - in any capacity whatsoever for - charging the supplier to the retailer in the sold quantity of products to increase the incentive - the parties established by an earlier period attained or estimate of the level compared to the additional sales determined on the basis of the properties of the trade flows of goods, proportionate - post discount exception;

s), ⁸ if the dealer has supplied product to the public health product suppliers to be paid by the amount of tax h) above within the time limit does not reimburse the supplier.

(2) ⁹ of the trader by the supplier's consent to the final consumer, consumer rebate towards the provision of the final thirty days after the date of the dealer sales allowance and provided with the product quantity is accountable to the supplier.

(2b) ¹⁰ A merchant account compensation is claimed, the fact of the validation notice within fifteen days from the date of the supplier. The supplier on receipt of the invoice is not limited to, the condition can not be linked. The bill failed in the dealer within five days of receipt to return to the supplier.

(3) the unfair distribution practices containing or intended to circumvent the prohibition in this Act is void contractual terms. The (5) failure to disclose in accordance with store policy does not already included in the exposure is void.

(4) The supplier is not valid it can contribute towards the conduct of unfair distribution.

(5) The dealer by the supplier to be granted, the product marketing of the service conditions - (6) in accordance with paragraph - terms and form of such terms and conditions or modifications hatályosított structure, the retailer may be required in advance - if you have an Internet site, it to the surface, if they do not have an Internet site, is open for customer premises - published and sent to the agricultural administration.

(6) ¹¹ in (5) according to business rules must include the supplier of merchant services available content, are the conditions for granting the service to be paid the highest fees and the account, applicable to the calculation method, and the dealer's suppliers sphere from entering and leaving avoidance conditions.

(7) (5) according to store policy and the preparation of the disclosure obligation does not apply to the dealer, which is the sixth§ (3) shall be calculated according to the previous year's net income does not exceed twenty billion.

Rules of Procedure

4th § (1) A violation of the prohibition of unfair distribution practices upon request or ex officio of the agricultural administration is acting. There is no room in the conduct of proceedings under this Act, the pending proceedings shall be terminated, and the sanction applied under this Act containing the decision be revoked if the behavior of the dealer over the trade of the 2005th Act CLXIV. 7 of the Law In accordance with § abusive or fraudulent practices and the restriction of competition on the Prohibition of the 1996th LVII. 21 of the Law In accordance with § abuse proceedings, and in condemning the decision has been taken or commitments were made. The trade of the 2005th Act CLXIV. 7 of the Law In accordance with § abusive or fraudulent practices and the restriction of competition on the Prohibition of the 1996th LVII. 21 of the Law In accordance with § Abuse ongoing process during the ongoing proceedings under this Act shall be suspended.

(2) of the agricultural administration and procedure of the Administrative Procedures Act of the General Rules shall apply. The administration at two months, which is justified by the head of the organ - the customer information of a time - one time up to two months.

(3) The competent authority authorized to spot check an official with the controls set out in this Act, and the facts necessary to clarify the evidence in order to be entitled to Find

- a) the room and enter the facility;
- b) subject to inspection or related documents, documentation, media - data protection and confidentiality, taking into account the specific legislation - to know and make copies or extracts;
- c) procedures for documenting the location of the picture, or sound recording;
- d) opening the sealed area, the people present, against the wishes of the closed area of real estate, business room, operating room to enter, even if they are used for residential purposes at the same time, and means of transport, check the documentation.

(4) of the agricultural administration of this Act according to the procedure of administrative proceedings brought against the decision not be appealed.

Organizations representing the interests of co-operation

5th § (1) The professional organization representing the interests of suppliers of the procedure to start the client is entitled to the status of this Act, infringement proceedings, the administrative official.

(2) (a) shall not affect existing procedural rights of the supplier's right to assert claims against the infringer.

The unfair distribution of sanctions applicable to infringements of the prohibition of conduct

6th § (1) Where the competent authority finds that the unfair trading behavior distributors, supply chain management to impose a fine.

(2) The product line-the lowest level supervisory penalty of one hundred thousand, the highest rate of five hundred million, but up by the dealer - a decision is taken finding an infringement of the previous financial year - net income of ten percent.

(3) The net proceeds of the infringement decision for the business year preceding the annual report or simplified annual report (hereinafter referred to collectively report) the consolidated net income should be determined. If the dealer for a shorter operating time, the data must be projected annualized. If the dealer before a decision is taken finding an infringement of the fiscal year net income of no credible information available, the

amount of the fine at the last completed fiscal year net income authentically prevails. Accounts are not dealer for initiating proceedings for the year business plan, failing which the dealer's authority request communicated to the Patent Act has the interim balance sheet to prepare for the rules of procedure initiation date as the due date calculated the net revenue to be considered.

(4) ¹² by the dealer - the final kiszabásától fine, or the commitment date of approval - re-certified within two years - the third § (2), *q*) of this behavior, except - of any unfair distribution behavior in the supply chain management fine previously imposed fines and a half times the not less, but at least five hundred thousand, more than two billion forints by the dealer - the infringement decision prior fiscal year - net income can not be greater than ten percent.

(5) In proceedings under this Act shall not preclude the aggrieved supplier to the distribution of fraudulent behavior based directly on the civil claim before the courts.

(6) In proceedings under this Act, the unlawful distribution three years after the implementation of behavior does not start. If the infringement takes place continuously, the time limit for completion of the behavior to be expected. If the offending behavior to take place, a situation or condition that is not abolished by the deadline will not start until this situation or condition exists. The period when calculating the duration of the review should not be considered.

(7) The fines in the case of all the circumstances - in particular stakeholders' interests being prejudiced scope, the seriousness of the breach of law for the duration of the infringement repeated certification of the violation obtained an advantage, the trader economic weight - having regard to be determined.

(8) of the agricultural administration website and the agricultural Minister handed the ministry's official journal and website publishes a dishonest dealer conduct trade name (company name), address (seat), the type of offense, the fine imposed, and the decision is withdrawn, the fact the fact of the start of judicial review, the contents of a final judgment, and the eighth § (1) decision making binding commitments. The data from the site of the final finding of violation within two years should be removed, and thereafter, the data can not be re-published.

7th § (a) the fines it imposes notification of the decision within fifteen days to be paid.

(2) ¹³ Non-payment of the fine imposed, the amount of the administrative proceedings and the general rules on late payment penalty rate charged under the Act.

(3) If a legal person or legal entity with no entity body fine the defendant does not pay and that it can not be recovered, to pay a fine for infringement was committed to stand duty members, senior officials and the person shall be required who is the legal entity or unincorporated business organization responsible for the obligations under the Act.

(4) The payment of fines to ensure compliance with security measures ordered.

(5) ¹⁴ The authorities imposed a fine on account of it be paid.

(6) ¹⁵

8th § (1) If the agricultural administration final decision to be taken before the subject of the proceedings dealer gives a written undertaking that the behavior defined in line with this law provisions, and the public interest in effective protection that will ensure the agricultural administration order - the process simultaneous termination of the procedure and subject to the dealer to pay legal costs at the same time obliging - may require the fulfillment of commitments, without the order of the realization of a violation of law or lack of finds.

(2) (a) an order under paragraph does not preclude the taking, for that matter - due to material changes in circumstances, or when deciding on the order of importance based on the disclosure of facts is misleading - a new procedure be initiated. The new procedures provide for the earlier of (a) under subsection végzésről.

(3) of the agricultural administration takes the post-test (1) according to the order to verify compliance with the obligations set out. The subsequent examination of the fourth § provisions shall apply.

(4) of the agricultural administration, if the dealer has an obligation under investigation is not completed, 6 Contained in § applying supply chain management to impose a fine, unless circumstances change in regard to performance of the obligation to force is not justified, in such a case, and if the dealer has fulfilled the obligation, to post-test ends.

9th § prohibit the administration of agricultural traders in the third § (5) of the Code a disposition of business if it is not clearly worded, service, and compensation is not clearly defined or the merchant fee charged by cost-related.

Final provisions

10th § (1) of this Act, the 2010th enter into force on January 1.

(2) of this Act before the entry into force of this Act and the creation rendelkezésébe stop, but unfulfilled clauses 2010th shall expire on February 1.

(3) The Government is hereby authorized to designate the agricultural administrative department regulation. ¹⁶

(4) The third § (5) of the terms and conditions the trader at the 2010th February 1 and shall be disclosed until the administration sent to farm.

(5) is repealed on the agricultural market regime for the 2003rd XVI. 10 of the Act §-a (2) 2009 '. year "is a part.

Delivered in ^a 2009. X 20th

² Established: 2010. CLXVIII year. 1 of the Act §. Force in 2011. II. 1st. See: 2010. CLXVIII year. 6 of Law § (2).

³ Established: 2010. CLXVIII year. 2 of Law § (1). Force in 2011. II. 1st. See: 2010. CLXVIII year. 6 of Law § (2).

⁴ Established: 2010. CLXVIII year. 2 of Law § (2). Force in 2011. II. 1st. See: 2010. CLXVIII year. 6 of Law § (2).

⁵ Established: 2010. CLXVIII year. 2 of Law § (3). Force in 2011. II. 1st. See: 2010. CLXVIII year. 6 of Law § (2).

Added by ⁶: 2010. CLXVIII year. 2 of Law § (4). Force in 2011. II. 1st. See: 2010. CLXVIII year. 6 of Law § (2).

Added by ⁷: 2010. CLXVIII year. 2 of Law § (4). Force in 2011. II. 1st. See: 2010. CLXVIII year. 6 of Law § (2).

Added by ⁸: 2011. Act XCV. 11 of the Law § (1). Force in 2011. VII. From 22. Then, in the proceedings should be used.

Added by ⁹: 2010. CLXVIII year. 2 of Law § (5). Force in 2011. II. 1st. See: 2010. CLXVIII year. 6 of Law § (2).

Added by ¹⁰: 2010. CLXVIII year. 2 of Law § (5). Force in 2011. II. 1st. See: 2010. CLXVIII year. 6 of Law § (2).

¹¹ Established: 2010. CLXVIII year. 2 of Law § (6). Force in 2011. II. 1st. See: 2010. CLXVIII year. 6 of Law § (2).

Amendment ¹²: 2011. Act XCV. 11 of the Law § (2).

¹³ Established: 2011. CLXVI year. 25th Law §. Effective from the 2012th I 1st.

Amendment ¹⁴: 2011. CLXVI year. 84th Law § 52nd

¹⁵ repealed by 2011. CLXVI year. 84th Law § 52nd Ineffective: 2012th I 1st.

¹⁶ See: 274/2006. (XII.23) Decree 327/2010. (XII.27) Decree.