

Retail cried out, but no one was listening

A case study on framing by interest groups and the European Commission to shape the outcome of the Directive on unfair trading practices in business-to-business relationships in the agricultural and food supply chain from 2017–2019.



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Executive Summary

On April 30, 2019, the European Directive (2019/633) on unfair trading practices in business-to-business relationships in the agricultural and food supply chain entered into force. The directive was the result of debates on a fairer supply chain that could be traced back for at least a decade. The main actors in this debate, the European Commission, FoodDrinkEurope, EuroCommerce, and Copa-Cogeca each had their own narrative of the truth – a frame they used to highlight certain aspects of the story in a way that was beneficial to their own position.

This dissertation takes a closer look at framing to address the following question: “To what extent can we speak of frame congruence between the lobbying process and the Directive on unfair trading practices in business-to-business relationships in the agricultural and food supply chain?” To make this study more feasible, the scope of the research has been limited to the period between January 1, 2017, and April 30, 2019. In 2017, the debate intensified and a public consultation process was launched.

As the central research question suggests, this dissertation makes use of a case study method, accompanied by a frame analysis on 63 documents published by the main actors within the researched timeframe. Although frame congruence does not entail a causal relationship, the main findings of this research do suggest that there are a few frames from the lobbying process that seem to have been supported in the final text of the directive.

List of abbreviations

DG AGRI	Directorate General for Agriculture and Rural Development
DG ECFIN	Directorate General for Economic and Financial Affairs
EC	European Commission
EP	European Parliament
EU	European Union
MEP	Member of European Parliament
SCI	Supply Chain Initiative
UTP	Unfair Trading Practice

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1.0 Introduction

Since the intensification of European integration after 1993, the European Union (EU) has greatly extended its competences and powers. This has led to an increase in interest organizations wishing to monitor developments at the EU level (Eising, 2016). With 11,932 lobbyists, interest groups, companies, and other organizations listed in the Transparency Register of the EU (European Commission, n.d.-c), Brussels can be deemed a highly competitive environment.

All of these 11,932 actors wish to have their voices heard and aim to influence decision making. To do so, they engage in the act of lobbying. Lobbying often has a negative connotation and is associated with manipulation and “spinning” of the truth (Van Drimmelen, 2018). Therefore, lobbyists prefer to be known as advocates, public affairs specialists, or government relations managers. The term lobbying originated in 19th-century Britain, where individuals waited in the lobby of parliament to “exert influence on members of legislatures to pass bills on behalf of unknown customers” (Eising, 2016, p. 180).

There are multiple methods of conventionally lobbying the EU. These methods include attending expert hearings, submitting position papers in a public consultation, applying to a committee hearing where a proposal for legislation is discussed, or meeting with influential European Commission (EC) officials or Members of European Parliament (MEPs; Van Drimmelen, 2018).

There are many opinions, narratives, and angles on a wide variety of topics that these lobbyists or advocates try to convey to the decision makers. In order to be successful in getting their points across, these actors use a certain narrative, or frame, that is beneficial to their position in the debate. Gamson (1989) acknowledges this approach, adding that actors will emphasize certain facts while ignoring others. He stressed that facts do not have intrinsic meaning unless embedded in a frame or story line (1989).

Framing is thus an instrument of lobbying – a strategic communication method used to influence legislators (De Bruycker, 2017). Framing is not, however, limited to interest groups; European institutions also frame policy issues (Morth 2000; Daviter 2011; Boräng & Naurin, 2015).

In order to promote greater understanding of successful framing, this research will disclose frames used by key interest groups and the EC, as primary legislator, in their political discourse in the policy process of a legislative act of the EU. By using frame analysis, the research will compare frames used to shape the outcome of the debate – the EU Directive (2019/633) on unfair trading practices in business-to-business relationships in the agricultural and food supply chain (hereafter, the Directive or the Directive on unfair trading practices).

For this dissertation, the Directive on unfair trading practices was the focus of the research. The Directive came into force on April 17, 2019, and seeks to improve the imbalance in power between smaller suppliers and larger buyers (Directive [EU] 2019/633, 2019).

The proposal for the Directive was handled by the Directorate General (DG) for Agriculture and Rural Development (DG AGRI). In the 2018 budget of the EU (Council of the EU, 2017), 56.1 billion euros was allocated to the agriculture sector. This is more than one third of the annual budget. Subsequently, this sector has sparked much debate, with quite a few proponents and opponents of protectionist legislation, which makes it an interesting case to examine through a frame analysis.

The influence of lobbyists and interest groups in the EU has sparked much new research in the field of political science in the past three decades (e.g., Klüver, Mahoney & Opper [2015], Daviter [2011], Rhinard [2010], and many more), but there is yet to be a comparison made between frames used by interest groups and the EC in the process of drafting legislation. This research aims to fill that void to create a better understanding of how language and images are used to shape debate by attempting to draw a correlation between the frames used and the final text of the Directive.

1.1 Research questions

In order to determine if there is a potential correlation between frames used in the lobbying process and the final text of the Directive, the following research question is formulated:

To what extent can we speak of frame congruence between the lobbying process and the Directive on unfair trading practices?

To help answer this central research question, the following sub-questions were formulated:

- What is framing?
- What role does framing play in European public policy?
- What is the Directive on unfair trading practices?
- What frames were used with regard to the Directive on unfair trading practices?
- Which frames were successful and why?

1.2 Structure

Firstly, the literature review lays the groundwork for this research. The review explains the concept of framing and how it exists in EU Politics. Moreover, it discusses interest groups, the EC, and their respective roles in the policy process of the EU. Secondly, the methodology chapter elaborates on the research methods used for this research – namely, desk research, a case study, and frame analysis – as well as why they were chosen and what the limitations are. Following the literature review and the methodology chapters, the results are presented in the findings chapter. This chapter gives context to the case study material, the Directive on unfair trading practices, the key actors, and the most significant frames used. The findings are then discussed in the discussion chapter, where the aim is to present a frame comparison. Lastly, the outcomes of the discussion will be presented in the conclusion.

2.0 Literature review

The following sections will discuss literature in the field of framing to create an overview of existing knowledge. This literature review will help answer two sub-questions – namely, “What is framing?” and “What role does framing play in European public policy?” The answers to these sub-questions will guide the analysis of the case study on the Directive on unfair trading practices and will ultimately help answer the central research question of this paper.

2.1 Definitions

In order to go deeper into theories and concepts related to the central research question, we first need to define what interest groups are and what framing is. The concept of framing will be defined and discussed as a theory later in this chapter.

The term “interest group” is an umbrella term used to define different groups that represent a particular interest. Interest groups are often referred to as civil society organizations, pressure groups, non-governmental organizations, or interest organizations (Klüver, 2013, p. 5). Following Beyers, Eising, and Maloney, interest groups must have three characteristics: organization, private status, and political interest (2008). Wilson (1990, as cited in Hague, McCormick and Harrop, 2019) asserts the same notion, stating that interest groups are “organizations which have some autonomy from government or political parties and which try to influence public policy.”

Of course, there is a wide spectrum of different types of interest groups. Interest groups could be protective or promotional (Hague, McCormick and Harrop, 2019), and they differ in terms of membership (e.g., associations versus corporate companies; Klüver, 2013). However, in light of the central research question at hand, the differentiations between types of interest groups are not relevant. Therefore, the paper uses the umbrella term “interest groups” to account for a broad definition and wide range of actors who represent a particular interest.

2.2 What is framing?

Framing is a key concept within this thesis. As mentioned in the introduction, framing is an instrument of lobbying – a method to influence legislators (De Bruycker, 2017). The use of

framing is, however, not limited to interest groups; European institutions also frame policy issues (Morth 2000; Daviter 2011; Boräng & Naurin, 2015). To create a better understanding of a possible correlation between frames used in the policy formulation process and the final Directive, it is vital to understand what a frame is, what types of frames there are, and how frames are used. These elements will be elaborated on in the following paragraphs.

According to Entman (1993), the theoretical framework around the concept of framing is scattered. He believes that, because the concept is widely used in other disciplines, such as social sciences and humanities, the theory lacks a consistent paradigm. What is often agreed upon, however, is the concept definition. The concept definition of framing which is universally supported by key scholars is that framing is a way of highlighting certain facts while ignoring others to benefit one's own position (Entman 1993; Gamson, 1989; Klüver, Mahoney & Opper 2015; Baumgartner & Mahoney 2008; Boräng et al., 2014; Boräng & Naurin, 2015).

A powerful example of framing comes from Nelson (cited in Kuypers 2009). Using a news story on a march by the Ku Klux Klan, Nelson presented two versions of the same story to two research groups. One group saw the news story framing the march as a disruption of public order; the other group saw the news story framing the march as a free speech issue. The research group that had identified the free speech frame was more tolerant toward the Ku Klux Klan than the other group. This illustrates how framing works. The facts did not change; the march of the Ku Klux Klan took place. Yet, the way the event was interpreted as a story made the outcome differ between the two research groups. Gamson (1989) noticed this tendency as well and asserted that facts do not have intrinsic meaning. Only when facts are embedded in a story or frame do they gain meaning. This is not only true for stories in the media, but also for narratives in political communication.

Entman (1993) proposed that there are several stages where framing is part of the communication process. It starts with the communicator and how the communicator perceives the topic of conversation. Furthermore, framing is embedded in the text expressed and in how the receiver draws conclusions based on the text. Often the perception of the receiver has cultural influences. Gamson (1989), too, believes that culture is part of the etiology of content. He argues that frames are often drawn from shared cultural narratives.

Frames usually consist of four components; however, not every frame will necessarily include all components. First, a frame will define a problem or what is at stake (Daviter, 2011). Second, the frame will most likely diagnose what caused the problem. Finally, it will make moral judgments on these causes and will suggest possible remedies (Entman, 1993).

As mentioned before, scholars largely agree on the basic definition of framing. Where the paradigm is still fragmented, as Entman suggests, is what lies beyond the basic definition. What types of frames are there and on what level do they occur? Can we ensure validity and how do we research frames? What determines which frames are used?

2.2.1 Types of frames

De Bruycker (2017) classifies two types of frames – namely, issue-specific frames and generic frames. Issue-specific frames are created from the bottom up and are derived from a specific issue. These frames unveil specific definitions of issues related to what is at stake. Issue-specific frames are often used in case studies, which makes it more difficult for scholars to make generalizable comments that apply to other policy areas.

The classification of De Bruycker is closely related to the research done by Baumgartner and Mahoney (2008). Baumgartner and Mahoney differentiate between two faces and two levels of framing: individual-level framing and collective issue definition and micro-level or macro-level framing. Here, framing and issue definition are not interchangeable. As Baumgartner and Mahoney (2008, p. 436) note, “No single advocate determines how an issue is framed.” The frame used is affected and constrained by what other policy actors decide to do, topics that are in the news, and crises that are unfolding. Although helpful while researching frames, differentiating frames will not result in understanding the full picture:

Studying the process of framing only at the individual level has little chance of elucidating collective-level changes in framing. At the same time, researchers focusing only on aggregate-level framing will be unable to understand the forces that led to the collective frame without recognizing the micro-level forces that are at play (Baumgartner and Mahoney, 2008, p. 436).

In his research, Naurin (2007) identifies three types of frames: self-regarding, other-regarding, and ideal-regarding frames. In self-regarding frames, the communicator makes reference to the interests of the communicator or the group he or she represents. The communicator could be, for example, a business representative that wishes to avoid overregulation of companies (Boräng & Naurin, 2015). In the other-regarding frame, the communicator makes reference to consequences for a group – for instance, children – that the communicator does not belong to. This frame definition only applies when the communicator does not belong to a representative group, such as UNICEF – then it would be categorized as a self-regarding frame. The last frame Naurin (2007) distinguishes is the ideal-regarding frame, which reflects the ideals of the communicator or the group it represents (e.g., environmental protection).

2.3 Framing in the political sphere

Although framing research is prevalent in media studies, political science scholars have become more and more concerned with this concept in relation to lobbying and measuring influence. The following paragraphs give insight into how framing is used in politics, which lays a foundation for understanding the role of interest groups and the EC in the framing process.

The theory of framing derives from the theory of agenda setting (Kuypers 2009; Daviter 2011). Agenda setting is a function of the press which often influences political decision making. The media decide which story to run and thereby influence the perception of the general public on which issues are important (2009). Kuypers then continues with what he calls agenda extension. He argues that the media is subjective and not only decides on which topics to run but also on how the story is told. In this way, the media influences public opinion on which topics are important and also what to think about these topics. Agenda extension advances a “particular political agenda” (Kuypers, 2009, p. 189).

Daviter recognizes agenda extension in the political sphere when stating that “any given policy choice must be analyzed in terms of the biases that created it” (2011, p. 28). He further notes that, “according to agenda-setting research, political strategy will gain leverage when it manipulates the definition of political issues.”

Using framing in the public policy process is not uncommon. Debating involves discourses in which one wishes to persuade, convince, or make the other party see it your way. Framing constitutes an important lobbying strategy for interest groups. When interest groups' position or interest could be affected by policy initiatives, they have an incentive to frame the debate according to what is beneficial for them (Klüver, Mahoney, & Opper, 2015; Baumgartner & Mahoney 2008). As mentioned before, framing is not limited to interest groups. The EC also uses a certain angle when proposing new legislation in order to shape the debate (Daviter, 2011).

Congruence, normally a geometric term, has been converted into a political science term in relation to framing. Boräng and Naurin (2015, p.499) explain that framing congruence refers to "the degree to which key policy makers' frames correspond to the frames of lobbyists." Boräng and Naurin examined 144 face-to-face interviews with Commission officials and lobbyists to understand what the respondent's primary frame was. They conclude that contextual factors have a great impact on which frames from lobbyists the policy-makers are likely to share. These contextual factors are scope of conflict; meaning; how many DG's, officials, interest groups, or other parties are involved; and media attention.

Boräng and Naurin distinguish between business lobbyists and civil society lobbyists, stating that civil society lobbyists are more likely to share views with commission officials when many groups are involved and the degree of media attention is limited. They attribute this to the fact that the self-regarding frame is filtered out when the scope of conflict expands, adding that businesses usually are "status quo defenders" (p. 512) and are already one-nil down because a proposal was submitted in the first place. However, when resourceful businesses seek media coverage as "negatively affected actors" (p. 513), they can potentially turn the debate around. Boräng and Naurin conclude that:

Strategic framing on behalf of individual lobbyists (in combination with other exogenous factors) produce dominating frames at the aggregate policy community level. The successful frames in turn impact on policy-makers – such as Commission officials, who need to be sensitive to the collective issue-definition in order to develop proposals that survive the EU policy process (Boräng and Naurin, p. 512, 2015).

This view on the importance of collective issue definition is thus in agreement with that of Baumgartner and Mahoney (2008).

2.4 Role of interest groups in the EU legislative process

Interest groups, together with the EC, are the main actors in this research. This section will help create a better understanding of how interest groups are involved in the legislative process where framing occurs.

The General Secretariat of the European Council has examined interest group activity in relation to European institutions. The secretariat explains that the integration of the European Communities started with detailed regulation of very specialized policy areas; thus, the EC, as initiator of legislation, and the European Parliament (EP), as co-legislator, have historically been heavily dependent on technical expertise regarding policy definition (2013; Klüver, Braun & Beyers, 2015).

Within the academic world, the role of interest groups within the EU framework is widely debated (Klüver, Braun & Beyers, 2015), especially in terms of influence. In particular, a highly contested subject is the underrepresentation of public interest versus businesses and how, occasionally, MEPs copy proposals from interest groups.

As established before, when the EC proposes new legislation, interest groups and other stakeholders that are affected by it are mobilized and try to shape the outcome of the policy to benefit their position (Klüver, Braun & Beyers, 2015; Klüver, Mahoney, & Opper, 2015; Baumgartner & Mahoney 2008). Furthermore, as pointed out by Klüver, Braun, and Beyers, several EU interest groups were even established with the support of the EC and the EP (2015).

2.4.1 Framing by interest groups

According to Eising (2016, p. 181), there are four characteristics of the EU as system of governance that affect the relationship between interest group and EU institutions: “First, the EU is a highly dynamic system, second, the EU system is horizontally and vertically differentiated, third, the EU system favors consensus building and fourth, the EU is a system that increasingly attempts to regulate lobbying activities.”

As primary legislators and co-legislators the EC, the European Council and the EP are prone to being influenced by the framing of interest groups. For each of the institutions, different framing tactics are in place. The EC is rarely approached as a whole; rather, interest groups maintain relationships with the different DGs that are concerned with specific policy areas, hence the differentiation characteristic. Although there are general guidelines for the relationship between EC officials and interest groups, “DGs have a large degree of autonomy, which results in different practices of interest mediation” (Eising, 2016, p. 181).

Lobbying the European Council on EU level is more difficult, as European Council officials are the leaders of the member states. Instead of addressing the issues at EU level, they will be addressed by domestic interest groups at the national government level (Eising, 2016). The other co-legislator, the EP, has attracted more attention from interest groups after the Lisbon Treaty, as the EP gained more decision-making competencies. In particular, rapporteurs and shadow-rapporteurs, the MEPs responsible for collecting different perspectives on a policy proposal and drafting a report of recommendation, are a lobbying target (Eising, 2016).

Mahoney has done extensive research on framing by interest groups. In Baumgartner and Mahoney (2008), Mahoney interviewed 82 EU lobbyists to discover what moves them to choose a certain frame. Logically, one would assume that lobbyists manipulate their argumentation depending on the target at hand. To illustrate, when a policy proposal is attributed to the DG AGRI, an environmental frame is expected. The same applies when the DG for Economic and Financial Affairs (DG ECFIN) is lobbied – a more financial frame would be an obvious choice. However, it was found that two thirds of the interviewees did not change their argumentation based on the target. Mahoney found three explanations for this. First, most lobbying situations are not very complex, meaning the lobbyist is only targeting one venue; thus, the argumentation does not change. Second, lobbyists may fear that they will be perceived as manipulative if they change their argumentation. Third, lobbyists may want to change the collective issue definition, and for this, it is better to stick to the same frame, because repetition matters (2008).

2.5 Role of the European Commission in EU legislative processes

The EC, as mentioned before, is one of the main actors within this research. Framing does not only occur within interest groups, but also within European institutions. The following section will explain more about the EC's role in legislative processes and how framing is a part of this.

The EC is perceived as “an agenda setter, a policy entrepreneur and regulator, a purposeful opportunist and a strategic actor” (Morth, 2000, p. 174). The EC is the primary legislator of the EU, meaning the EC is the only institution with the right to initiate proposals for new legislation to send to the European Council and EP.

In terms of policy creation, the EC goes through a number of steps to gather opinions and recommendations on the policy topic. After consulting with the Committee of the Regions and the European Economic and Social Committee, the EC publishes a green paper to which interest representatives can respond and voice any concerns or affirmations. Based on these consultations, the EC will construct a white paper – a more authoritative report – in which these concerns and affirmations have been considered. After having received reactions on the white paper, the EC will, if they wish to do so, send the proposal to the European institutions and then, in most cases, the Ordinary Legislative Procedure will start (Van Drimmelen, 2018).

2.5.1 Framing within the European Commission

As established by Kuyper (2009) and Daviter (2011), agenda setting moves to agenda extension, which advances a particular political agenda and leads to framing. As an agenda setter, the EC is involved in framing or issue definition. In her article, Morth (2000) argues that frame competition plays an important role in EU policy making, especially within the EC. She states that the EC itself cannot always be seen as the coherent and strategic actor it is generally perceived to be. The EC consists of multiple DGs, and they each have a different way of defining issues at hand. Thus, before the EC is able to legitimize decisions and actions based on a particular frame, it has to go through internal framing. This will help the process of “sense making” and create a basis for organized action (Morth, 2000, p.174).

2.5.2 Framing by the European Commission

One of the assumptions of this research is that the EC could steer the outcome of the policy debate by promoting certain frames over others. In his research on EU biotechnology policy, Daviter (2011) explains that, in the early stages of formulating regulation in this policy area, two frames prevailed – namely, economic competitiveness and environmental safety. These two frames were incompatible and caused tensions within the EC. This led the EC leadership to choose one frame over the other by emphasizing the safety regulation frame. Daviter asserts that this decision constituted the sheer opposite of the interests of members states and scientists and allowed the EC to expand its competencies by “creating a new supranational policy field” (p. 160) in which the EC is perceived to be a rational unitary actor. However, Daviter does acknowledge that conflicting frames within the EC “remained volatile” (p. 163). In terms of the behavior of commissioners, Daviter notes that the EC goes “back and forth on different representational logics, sometimes invoking the Commission’s institutional interests as a collective actor, sometimes following political rationalities based on policy portfolio, country of origin or party memberships (p. 164).” This view is more in line with Morth’s (2000) reasoning.

2.6. Conclusion

This literature review has identified and discussed key literature in the field of framing in order to answer two sub questions: “What is framing?” and “What role does framing play in European Public Policy?” To explain what framing is, the basic definition was first discussed, then different categories and types of frames. For this research, the definition of Entman (1993) is used to explain framing – namely to highlight certain facts, while omitting others, in order to benefit one’s own position. To understand what role framing plays in European public policy, this paper looked at the role of interest groups and the EC in the European public policy in relation to framing. It has become apparent that, as a primary legislator, the EC sets out a direction and is thereby able to steer the policy outcome. Furthermore, interest groups certainly have a degree of influence within the policy process, as European institutions regularly seek the expertise of these groups in defining a policy. The answers to these sub-questions have established a framework within which we can create a better understanding of framing in relation to the Directive on unfair trading practices.

3.0 Methodology

This research looked at frames used in the policy-making process and determined the presence of frames in the final policy outcome. As discussed in the literature review, frames are considered to be a narrative in which some facts are highlighted, while others are ignored, to benefit one's own position. For this study, the chosen policy outcome to research was the EU Directive on unfair trading practices. Different research methods (such as desk research, a case study, and frame analysis) were used to reach an answer to the central research question ("To what extent can we speak of frame congruence between the lobbying process and the Directive on unfair trading practices?") and potentially identify a correlation between frames used in the policy process and the presence of these frames in the final text of the directive. Each of these methods has certain advantages and disadvantages. In the following paragraphs, more will be elaborated on the methodology of this research.

3.1 Research methods

Within research, there are two approaches to data collection: the quantitative approach and the qualitative approach. Quantitative research is suitable for research that involves a large sample, when measuring objective data, and when you wish to be able to generalize the outcome of the research (Bryman, 2012, p.35). Qualitative research is more subjective, usually involves a smaller sample, and is not as generalizable as quantitative research. A big advantage of qualitative research, however, is that the subject can be researched in more depth and social structures can be explored (Bryman, 2012, p. 36).

This research is based on a case study of a single piece of legislation; nevertheless, it includes numerous documents and multiple actors, such as interest groups and the EC. Because this research involved analyzing texts, videos, and pictures to identify certain frames that were used, the qualitative approach was more suitable.

Aside from quantitative and qualitative approaches to doing research, we can also distinguish between an inductive and a deductive methods of theorizing (Neuman, 2014, p. 69). With an inductive approach, we form a theory based on empirical observations. With a deductive approach, we theorize based on an existing proposition or theory and then try to find empirical support. The framing analysis that is done in this research can be classified

as semi-inductive, with previously determined preliminary research themes in which the frames that may surface are known. To make sure this frame analysis does not solely rely on prior knowledge, it is accompanied by an open coding method. More on this will be explained in Section 3.3. Furthermore, this research theorizes from a meso level of analysis, meaning that it focuses on “relations, processes, and structures at a midlevel of social life (e.g. organizations ...) and events operating over moderate durations” (Neuman, 2014, p. 71).

To answer Sub-questions 1 (“What is framing?”) and 2 (“How is framing used in European public policy?”), which are part of the literature review, the research method that was used is desk research. Desk research, or secondary research, is a research method that explores existing literature on a topic (Bryman, 2012, p. 312). Relevant literature of leading scholars in the field was examined to understand what framing is and what role framing plays in European public policy. To answer these two sub questions, no additional data collection was needed.

For Sub-question 3 (“What is the Directive on unfair trading practices?”), a case study approach was used. To analyze the case study, the context and background of the Directive were researched as well as relevant documents published and statements made by key actors.

Lastly, to answer the sub-questions concerning framing in practice (“What frames were used in regard to the Directive on unfair trading practices?” and “Which frames were successful and why?”), a frame analysis was conducted. A frame analysis allows for a pattern or a certain angle to be deduced from a sample of texts or images (Lindekilde, 2014). More on this analysis will be explained in Section 3.3.

3.2 Case study

In this research, a case study is used as the point of departure for the frame analysis that is done at a later stage to understand the degree to which policy-makers’ frames correspond to the frames of interest organizations. The case study entails a single policy, the EU Directive on unfair trading practices. In the following section, more is explained about a case study as research method.

A case study is a detailed and intensive analysis of a single case (Bryman, 2012, p. 66). These cases could be a single event, person, organization, or a single policy. Case studies are used in both quantitative and qualitative research.

According to Yin (2009), as cited in Bryman (2012, p. 70), there are different types of cases. First, there is the critical case, with which the researcher hopes to justify or improve a theory. Second, there is the extreme or unique case, in which the researcher believes they have found something unique. This type usually occurs in clinical research. Third, there is the exemplifying case, which is the opposite of a unique case. Exemplifying cases are chosen because “either they epitomize a broader category of cases or they will provide a suitable context for certain research questions to be answered” (Yin, 2009 as cited in Bryman 2012, p. 70). Fourth, there is the revelatory case, in which a researcher contributes to his field of study with newfound knowledge, and fifth, the longitudinal case. These are cases that can be researched from different angles. The case study done in this research employs elements of an exemplifying and revelatory case, as framing in the policy process is not a unique phenomenon, but researching frame congruence is unprecedented.

Neuman recognizes great strengths in doing case study research. First, it allows for abstract ideas and concepts to become more concrete, and it helps define concepts to better fit experiences. Furthermore, it makes it easier to explain the “complexity of social life.” (Neuman, 2014, p.42). Moreover, case studies highlight social processes so that causal relationships are better captured.

Boräng et al. (2014) note that most studies that incorporate frame analyses in public policy debates are case studies that usually focus on one or two policy debates. Boräng et al. do question the generalizability of these studies to other policy debates, as each policy debate takes place within different circumstances. The simple answer to that question is that case studies usually do not have external validity. However, according to Bryman (2012), this is not necessarily a problem, as most case study researchers do not profess to have findings that are applicable elsewhere.

3.3 Frame analysis

In the literature review, the concepts of framing and frames were discussed. Now we move to the methodology behind the analysis of frames. How are frames researched? What methods are used to find frames within certain contents?

Frame analysis is closely related to content analysis and discourse analysis, although there are some key differences between the methods. “Content analysis ... is an objective, systematic, and quantitative description of the manifest content of communication” (Berelson, 1952, as cited in Bryman 2012, p. 289). Content analysis typically revolves around frequency. How many times has word X appeared in the news article? Furthermore, content analysis looks at direction (positive or negative), intensity of spoken word, and space (size of the message; Neuman, 2014, p. 374). Discourse analysis has many versions, but is described by Potter (1997, as cited in Bryman, 2012, p. 528) as follows: “Discourse analysis emphasizes the way versions of the world, of society, events and inner psychological worlds are produced in discourse.” While content analysis researches frequency, discourse analysis looks at how things are said or written. Frame analysis lies somewhere between these two methods. Although frame analysis is increasingly conducted from a quantitative, systematic perspective, context and word combinations are still the primary focus.

In order to find frames, one first needs to look at the sample of texts and images used. Where do they come from? Who wrote them? What is the background of the author? When were they written? In what kind of context were these documents drafted and for what purpose? Context and background are important when doing a frame analysis (Chilton, 2004). Especially when looking at policy-makers and interest groups, circumstances and context influence which frames are employed by them.

From context and background, preliminary frames can already be drawn, and the process of coding can start. First, coding categories have to be determined by relevant themes or discourse strands (Fairclough, 2010). However, to ensure all frames are detected, the method of open coding is helpful. With open coding, texts are broken up into smaller segments in order to classify and interpret them. A particular segment can be linked to multiple classifications (Given, 2008). By looking at word groups, grammar, evidentialities, rhetorical figures, and images, certain ideas will come forward. With these ideas and the

context in which the document was drawn up, we can interpret the meaning behind the words and thus conclude a frame or elements of a frame (Fairclough, 2010).

3.3.1 Methods of frame analysis

In the field of framing, scholars have experienced difficulty with conducting large empirical studies (Boräng et al., 2014). Frame analyses are prone to the influences of subjectivity, context, and meaning, which are hard to capture doing a quantitative, large-N study. Hence, case studies are frequently used in framing analyses, and it was decided to do a qualitative frame analysis using a case study on a single policy in this research as well. However, there are scholars – such as Eising, Rasch, and Rozbicka (2015) – who have attempted to do a quantitative, large-N frame analysis. For their research on four different policy debates on both EU and national level, Eising and colleagues used a manual, computer-assisted, qualitative content analysis approach. This approach used software into which a manually made codebook was integrated. Another method is a word-based quantitative text analysis, first used in Schonhardt-Bailey's (2008) study on central bank committee deliberations. This method is very close to a content analysis, but differs in that words are not counted individually but are first clustered. "The underlying assumption of the research method proposed here is that interest groups that employ the same frames should rely on a similar pool of words" (Boräng et al., 2014, p. 192). Although quantitatively described, this is a method that will work in doing a qualitative case study frame analysis, and it is the method that was used to research the Directive on unfair trading practices

3.4 Sample and research subjects

For this research, four actors in particular are relevant in the unfair trading practices debate from a framing standpoint: the EC; Copa-Cogeca – a farmers' organization; EuroCommerce – a retail and wholesale organization; and FoodDrinkEurope – a manufacturers' organization. These organizations, apart from the EC, are relevant to this research as they are the biggest interest groups on European level in their respective sectors and thus represent of all of their national federations, company members, and affiliate associations.

According to Boräng et al. (2014), most framing studies use documents and oral statements as their sample of data. This study will resort to a sample including, but not limited to, documents and oral statements. Altogether, a total of 63 publications from these actors

were researched to uncover any frames present. These 63 publications were all linked to the debate on unfair trading practices and published from January 1, 2017, until the Directive's entry into force on April 30, 2019. In the following paragraphs, the EC, Copa-Cogeca, EuroCommerce, and FoodDrinkEurope are introduced.

3.4.1 EC

As mentioned before, the EC is the primary legislator in the EU. It is the EC's task to initiate and safeguard the legislative framework of the EU. The EC is led by a president and consists of commissioners – one from each member state (EC, n.d.-a) Within the EC, the DG AGRI was responsible for the Directive on unfair trading practices. It is the aim of the DG to promote sustainable development, maintain rural areas, and help farmers (DG AGRI, n.d.-a).

The former president of the EC is Jean-Claude Juncker; he and his commission were in office from 2014 until 2019. His successor, Ursula von der Leyen, recently took office on December 1, 2019 (EC, n.d.-b). Within the Juncker Commission, Irish commissioner Phil Hogan was responsible for the DG AGRI. It is important to note that, for this research, we looked at the Commission's communications on unfair trading practices from 2017 to 2019. In this timeframe and for this research, we specifically looked at Jean-Claude Juncker and Phil Hogan. The expressions of Hogan and Juncker are considered to be the expressions of the Commission as a whole.

3.4.2 Copa-Cogeca

Copa-Cogeca represents European farmers and their cooperatives. COPA (Committee of Professional Agricultural Organizations) was created almost immediately after the Treaty of Rome established the European Economic Community in 1957. Shortly after, COGECA (General Confederation of Agricultural Cooperatives in the EU) was founded to represent farming cooperatives. In 1962, COPA and COGECA merged their secretariats, but they remained two separate entities within Copa-Cogeca (Copa-Cogeca, n.d.-a).

The ambitions of COPA are fourfold: represent interests of the entire agricultural sector, follow all matters related to the development of the common agricultural policy (CAP), seek solutions that are in the interest of the sector, and maintain and develop good relationships at European level. COPA regularly meets with the Commissioner for Agriculture and Rural

Development to discuss any points that may come forward based on these objectives (Copa-Cogeca, n.d.-a). COGECA presents itself in the same way as COPA, with the sole difference that COGECA specifically represents farming cooperatives (Copa-Cogeca, n.d.-b).

3.4.3 FoodDrinkEurope

FoodDrinkEurope is Europe's largest manufacturers' organization, representing companies such as Unilever, Coca-Cola, Kraft-Heinz Company, Mondelez International, Nestlé, and DSM. Furthermore, FoodDrinkEurope also represents national federations, such as the Federatie Nederlandse Levensmiddelen Industrie from the Netherlands (FoodDrinkEurope, n.d.-a). FoodDrinkEurope's mission is "to facilitate the development of an environment in which all European food and drink companies, whatever their size, can meet the needs of consumers and society, while competing effectively for sustainable growth" (FoodDrinkEurope, n.d.-b).

3.4.4 EuroCommerce

EuroCommerce is Europe's largest retail organization. It represents both food and non-food retail and wholesale interests in Brussels. Members are national associations; companies such as Carrefour, Ahold Delhaize, Ikea, and Amazon; and affiliate organizations such the Dutch Centraal Bureau Levensmiddelenhandel (EuroCommerce, n.d.-a). EuroCommerce's mission centers on three keywords: fair, competitive, and sustainable. It wishes to be the link between consumers and producers, promote fair relationships, stimulate innovation and competition, and engage in sustainable activities (EuroCommerce, n.d.-b)

3.5 Coding

With coding, we systematically organize the components of frames to make a frame analysis more feasible. From preliminary research of the case study, four discourse strands came to light: weak versus strong (farmer versus retail), farmers are treated unfairly, legislation is not evidence based, and fairness for all. However, frame analysis might also bring other frames to light that did not surface in the preliminary research; hence, the open coding method was used.

Open coding is a way to break down the data into smaller segments. With open coding, all documents from the sample (i.e., raw data will) be examined to look for elements that could potentially be part of a frame. All the data that is collected during open coding is then classified in order to interpret it (Given, 2008). During classification, it can occur that a data segment does not fit into any category. This data will then be categorized as “miscellaneous.” Moreover, any element could be classified multiple times, as it may fit within multiple frames. Furthermore, it is important to note that duplicate elements within one sample text are noted every time they appear.

3.6 Limitations

Like any other research, this study had some limitations. Because this research used an inductive frame analysis, with limited resources, there may have been existing frames that did not surface. Furthermore, coding of discourse analysis, content analysis, or frame analysis always involves researcher subjectivity (Van Gorp, 2007), making it harder to replicate this type of research. Boräng et al. (2014) add that doing a qualitative frame analysis based on a case study and thus working with limited data will likely create problems with reliability and external validity. However, this is true for most qualitative research methods, and thus does not present a problem as long as it is recognized by the researcher and measures, such as providing a structured methodology, are taken to make the research as valid as possible.

Moreover, when comparing frames used by interest groups and the EC with the final text of the directive, we can only speculate on a possible correlation in the comparison. It is not possible to speak of a causal relationship or influence from interest groups, as we cannot account for alternative explanatory factors. For instance, it could very well be that decision makers had the same intrinsic preferences as an interest group, making it seem like the interest group was successful, while the correlation was merely incidental (Klüver, 2013). Further research is needed to measure the extent of influence with a certain frame.

Furthermore, the food supply chain has been a recurring issue on the European agenda. Discourse on the matter goes back further than the starting point of this research. This research starts at 2017 because it was in that year that consultation on this directive

opened. The final directive was adopted in 2019. To make the research feasible, the scope has been limited to publications between 2017 and 2019.

3.7 Conclusion

This study utilized three research methods. Desk research to answer the sub-questions “What is framing?” and “What role does framing play in European public policy?” constitutes the literature review. A case study was used to answer the sub-question “What is the Directive on unfair trading practices?”, and a manually coded and executed frame analysis was used to answer the questions “What frames were used in regard to the Directive on unfair trading practices?” and “Which frames were successful and why?” All the methods that were chosen proved useful in similar studies and helped to answer the central research question: “To what extent can we speak of frame congruence between the lobbying process of/and the Directive on unfair trading practices?”

4.0 Case study: Directive on unfair trading practices in business-to-business relationships in the agricultural and food supply chain

The case study in this research is the Directive on unfair trading practices. This chapter will provide an answer to the sub-question “What is the Directive on unfair trading practices?” It will discuss how the Directive came about, which is a vital part of the context needed in order to understand the results of the framing analysis. Although this discussion does not go into great depth on the content of the Directive, it provides a short summary to create a better understanding in terms of context.

4.1 What is a directive?

It is necessary to understand the notion of a directive, as this is a central part of this research paper. On the official website of the EU, a directive is described as a legislative act from the EU that seeks to harmonize policy goals that member states must fulfill. However, it is up to the individual member state to determine how it wishes to accomplish these goals, and member states are welcome to pursue more ambitious goals if they wish to do so (EU, n.d.). A directive is decided upon by the European Council and the EP; however, the EC is the institute that proposes new legislation.

4.2 How did we get to a Directive on unfair trading practices?

Although the scope of this research was limited to the period of January 1, 2017 to April 30, 2019 to maintain the feasibility, the background and context of the Directive are very important to understand the frames present in the policy process (Chilton, 2004; Fairclough, 2010). The following paragraphs outline a chronological overview of key moments in the establishment of the Directive.

In 2010, the EP adopted a resolution called “Fair revenues for farmers: A better functioning food supply chain in Europe.” Taking into consideration multiple resolutions, conclusions, and declarations from 2008 and 2009 on food prices, abuse of power by large supermarkets, and competitiveness of the agro-food industry (EP, 2010), parliament recognized contractual imbalances and differences in economic power between farmers and retailers that affect competitiveness. In response, parliament encouraged the Commission and member states to adopt ad hoc measures.

On July 5, 2010, the EC issued the “Retail market monitoring report” (EC, 2010). To research possible unfair trading practices, an Expert Platform on Business-to-Business Contractual Practices was established in 2010 within the High-Level Forum for a Better Functioning Food Supply Chain (EC, 2013). One year later, on July 5, 2011, the EP adopted a resolution on a more efficient and fairer retail market (EP, 2011) in which the EP stressed that it was concerned about the abuse of dominance by bigger actors in the supply chain, which harms competition in the supply chain. Furthermore, the EP emphasized that the entire retail supply chain is affected and that awareness of contractual rights would help prevent these practices.

In 2013, several EU-level associations launched the Supply Chain Initiative (SCI), with the aim of increasing fairness in commercial relations along the food supply chain (SCI, n.d.). The food and drink industry (FoodDrinkEurope), the branded goods manufacturers (AIM), the retail sector (the European Retail Round Table, EuroCommerce, and Independent Retail Europe), and agricultural traders (CELCAA) formed a governance group. The associations agreed on Principles of Good Practice which contain a list of examples of fair and unfair practices in vertical trading relationships. European institutions such as the Competitiveness Council welcomed the voluntary initiative and emphasized the importance of widespread support among all stakeholders (Council of the EU, 2013).

Despite the efforts of the SCI, the EC adopted a European Retail Action Plan on January 31, 2013, together with a green paper on unfair trading practices in the business-to-business food and non-food supply chain, launching a consultation on unfair trading practices. Commissioner for Internal Market and Services, Michel Barnier, said: “We also want fair play. Unfair trading practices jeopardize the viability of businesses and make the retail supply chain inefficient. Consumers should have competitive prices, but I also want suppliers to retail to receive fair prices for their products” (EC, 2013).

In 2015, the dairy sector was negatively impacted when the supply surpassed the demand, which caused prices to drop. Contributing to this crisis were the import ban on agricultural goods from Russia, a drop in demand from China, and the abolition of milk quotas (Euractiv, 2015). In 1984, milk quotas were imposed to regulate the production of milk. These quotas were intended to remove surpluses from the milk market that cause milk prices to drop. This interventionist measure of the EU came to an end in March of 2015 in order to instigate

liberalization in the dairy market and thus make producers more market and performance oriented (Council of the EU, 2015).

In September 2015, EC president Juncker addressed the milk crisis in his State of the Union address: “European and national competition authorities should take a close look into the structure of the market. Something has turned sour in the milk market. My impression is that we need to break some retail oligopolies” (Juncker, 2015). Here, although the milk crisis had different causes, Juncker was specifically referring to possible unfair trading practices and abuse of a dominant position in the market.

However, in January 2016, the Commission released a report on unfair business-to-business practices in the food supply chain to the EP and the Council. The Commission concluded that voluntary initiatives such as the SCI and regulatory frameworks implemented by individual member states were increasing positive developments in the food supply chain, noting that there were more ways to address unfair trading practices. The Commission continued that it thus did not see any added value of legislation in this field, but will closely monitor the situation and reevaluate this viewpoint at a later stage (EC, 2016). The Commission monitored the situation via the Agricultural Markets Task Force (AMTF) that was set up at the beginning of 2016. The aim of the AMTF was to assess the role of farmers in the supply chain and give advice on how the position of farmers could be improved (EC, 2019).

Nevertheless, on June 7, 2016, the EP adopted a resolution on unfair trading practices in the food supply chain – this time, following the observation that farmers’ representatives had decided not to join the SCI. In the view of the farmers, the SCI did not “ensure sufficient confidentiality for complaints and lacks statutory powers for independent investigations and meaningful sanctions,” among other reservations. In this resolution on unfair trading practices, the EP urged the EC to take action, as “farmer participation is crucial,” and more reports and communications from the EC will not help farmers (EP, 2016).

On November 14, 2016, the AMTF presented its report to the EU Commissioner for Agriculture and Rural Development, Phil Hogan. It was concluded by the AMTF, among other things, that the policy framework governing the supply chain should be further improved, unfair trading practices should be covered by legislation, and effective

enforcement should be put in place. On January 9, 2017, this report was discussed in a public hearing (AMTF, 2016). Hogan welcomed this report as an addition to the ongoing debate, noting that strengthening the voice and position of farmers was a priority for him and the Commission. The Commission further added that it would consider the report's recommendations and present an appropriate response (EC, 2016, November 14).

Based on the recommendations in the report by the AMTF, the Commission put in motion an inception impact assessment and a public consultation, including a stakeholder consultation (EC, 2019, March 12). This process took place from July 2017 to December 2017, and these consultations were used to inform the decision of the Commission to proceed with drafting legislation or not. Given the earlier report of January 2016 in which the Commission decided not to move forward with legislation, this was a rather pivotal development. What had changed between January 1, 2016, and November 14, 2016? In terms of context, it is important to note that the referendum on the United Kingdom's membership of the EU was held on June 23, 2016 (BBC, 2016). Furthermore, because of the AMTF report, the political pressure to act had become very high.

Meanwhile, on October 6, 2017, Commissioner Hogan gave a speech at the Food Safety Authority of Ireland Conference in Dublin in which he made no secret of who he thought was to blame for the unfair food supply chain. He stated that supermarkets enjoy "super power" which gives them a great bargaining advantage in which farmers fear "commercial retaliation." Furthermore, Hogan stressed that every "significant stakeholder" is in favor of legislation on unfair trading practices; however, he also said: "I'm sure this will not shock you – the only stakeholder group in favour of the status quo is retailers." Hogan closed his speech with the remark that the EC is now moving to draft a legislative proposal on unfair trading practices (EC, 2017, October 6).

In reference to Hogan's speech in Dublin, Politico, an American-based political media outlet, headlined: "Brussels declares war on supermarkets." In the article, author Simon Marks described how the EC attempted to stay neutral in the debate, but this changed after the speech of Commissioner Hogan. Furthermore, Marks asserted that Hogan was trying to secure his legacy among farmers, as the Commission was about to reform the CAP in 2020. In addition, a Brexit would leave a gap in agricultural funding; thus, Marks stated that the

legacy of Hogan “could well depend on whether he can protect them [farmers] from supermarkets” (Marks, 2017).

Having taken note of Hogan’s speech in Dublin and the Politico article, EuroCommerce released a statement on October 12, 2017, questioning whether the commissioner was not jumping the gun by announcing legislation while the public consultation to determine whether legislation is necessary was still ongoing. Furthermore, EuroCommerce criticized the negative picture that was painted of the relationship between the Commission and the retail sector and asserted that retail is the wrong target of possible legislation (EuroCommerce, 2017, October 12).

The Commission Work Program of 2018, published on October 24, 2017, confirmed that legislation was underway. It states that “the Commission will propose measures to improve the functioning of the food supply chain to help farmers strengthen their position in the market place and help protect them from future shocks” (EC, 2017).

On April 12, 2018, the EC published its proposal for an EU directive to tackle unfair trading practices in the food supply chain. The Commission proposed a legal framework to provide farmers and small and medium-sized enterprises (SMEs) with more security and to protect them from unfair business conduct. Commissioner Hogan reflected on the proposal: “Today’s proposal is fundamentally about fairness – about giving voice to the voiceless – for those who, through no fault of their own, find themselves the victims of a weak bargaining position” (EC, 2018a).

Paolo De Castro (S&D, Italy) was appointed rapporteur on the proposal for a directive on unfair trading practices. On July 10, 2018, De Castro presented his draft report with recommendations to the Agriculture and Rural Development Committee of the EP. In the report, De Castro recommended that the scope of the directive be extended. In the initial proposal, the Commission envisioned protection for small and middle-sized suppliers from small and middle-sized buyers (EC, 2018). The EC defines SMEs as enterprises with fewer than 250 employees, a turnover not exceeding 50 million euros, and a balance sheet not exceeding 43 million euros (Commission Recommendation 2003/361/EC, 2003). This recommendation by De Castro was warmly welcomed by Copa-Cogeca and FoodDrinkEurope in a joint press release (AIM et al., 2018, July 10). On October 1, 2018,

the report was brought to a vote by the Committee and accepted. The vote and the amendments that were tabled led EuroCommerce to believe that the proposal for a directive had transformed into a witch hunt against retail (EuroCommerce, 2018, October 1).

On October 19, 2018, the European Consumer Organization (BEUC) wrote a letter to the MEPs, asking them to reject the request of the AGRI Committee to enter triilogue negotiations. The BEUC was concerned about the tabled amendments regarding the scope of the Directive, which would also afford protection to bigger companies. Furthermore, the BEUC was worried about the expansion of the list of unfair trading practices in the report. The BEUC believed that these changes to the proposal for a directive lacked proper assessment and would negatively impact consumers (BEUC, 2018). For EuroCommerce, this letter meant that they were not alone anymore in the unfair trading practices debate; hence, they subsequently published a press release with the title “Make sure UTP [unfair trading practice] negotiations help farmers – and consumers” (BEUC, 2018).

Nevertheless, despite efforts from EuroCommerce and the BEUC, on October 25, 2018, the report was voted on and approved by the EP plenary, after which the trialogues immediately started to make sure the Directive was adopted as soon as possible (Copa-Cogeca, 2018, October 25).

On December 19, 2018, the EC announced that the EP, the Council, and the Commission had reached a political agreement after 8 months of negotiations (EC, 2018, December 19). After formal endorsement by voting in the European Council and the EP, the Directive entered into force April 30, 2019. Member states had 2 years to transpose the Directive into the existing legal body and 2 and a half years to apply the legislation (Directive [EU] 2019/633, 2019).

4.3 Content of the Directive

Although this study does not go into depth on what the Directive itself means legally, it is vital to understand the topic of the Directive in order to understand the frames used. The Directive revolves around unfair trading practices. The trading practices that are deemed unfair are listed in the Directive. Unfair trading practices are defined by the European Council and the EP as practices that “grossly deviate from good commercial conduct, ...

[are] contrary to good faith and fair dealing and ... [are] unilaterally imposed by one trading partner on the other; impose an unjustified and disproportionate transfer of economic risk from one trading partner to another; or impose a significant imbalance of rights and obligations on one trading partner' (Directive (EU) 2019/633, 2019).

The EC (2018) believes, as stated in the explanatory memorandum of the proposal for a directive, that "smaller operators in the food supply chain are more prone to face unfair trading practices, due to their, in general, weak bargaining power in comparison to the large operators in the chain". With the Directive, the Commission sought to protect smaller operators, like farmers, and create a fairer supply chain.

In the ordinary legislative procedure, the EP and European Council have the right to amend the Commission's proposal. In the negotiations that follow between the EP and the European Council to come to an agreement on the legislative text, the Commission acts as mediator and facilitator between the two institutions (EP, n.d.). Unfortunately, these negotiations take place behind closed doors; consequently, it is not always evident how changes between the proposal and the final text of the directive come about. As for the case study of this research paper, it is evident that the proposal of the Commission has been considerably amended by the EP and the European Council.

The proposal for a directive on unfair trading practices and the Directive on unfair trading practices fundamentally differ in terms of scope and the number of listed unfair trading practices. Initially, businesses that were included in the scope of the legislation were SMEs. Businesses are defined as SMEs if they have an annual turnover of less than 50 million euros and have fewer than 250 employees. In the summer of 2018, when rapporteur De Castro published his report, he already recommended that the scope of the directive be widened. The negotiators heeded this recommendation and enlarged the scope to businesses with an annual turnover of up to 350 million euros. The Directive introduced five turnover categories in which each supplier is protected from unfair trading practices of a buyer from a higher turnover category.

The list of unfair trading practices has also been altered. In the proposal of the Commission, only four trading practices were not accepted under any circumstances: late payments, short notice cancellations of perishable foods, unilateral contract changes by the buyer, and

having a supplier pay for wastage of food products that occurs on the premises of the buyer (EC, 2018). After the triologue negotiations, another six practices were added to this list: payments not related to a sale of agricultural products and food products; risk of loss and deterioration transferred to the supplier; refusal of written confirmation of a supply agreement by the buyer, despite request of the supplier; misuse of trade secrets by the buyer; commercial retaliation by the buyer; and transferring the costs of examining customer complaints to the supplier (Directive [EU] 2019/633, 2019).

Furthermore, there was a list of “gray practices.” Gray practices are allowed only under clear agreement between supplier and buyer. In the proposal, these practices consisted of the return of unsold food products to the supplier; supplier paying for the marketing; supplier paying for the promotion of food products sold by buyer; and payment by the supplier for stocking, display, and listing (EC, 2018). By December 19, 2018, two additional practices were added to this list – namely, payment by the supplier for advertising and payment by the supplier for staff of the buyer and fitting out premises. (Directive [EU] 2019/633, 2019).

Moreover, both the proposal and the Directive included the establishment of an enforcement authority in every member state to which suppliers can address complaints regarding unfair trading practices (Directive (EU) 2019/633, 2019).

4.4 Conclusion

Although the scope of this research is limited to a sample of documents dated from 2017 to 2019, scholars (Chilton, 2004; Entman, 1993; Daviter, 2011) agree that, in order to do a frame analysis, it is important to know the communicator, the background of the communicator, and the context of the issue. Consequently, this case study looks back at the unfair trading practices debate well before 2017 to understand how the Directive came about.

Although this research will not give an answer as to who is responsible for possible unfair trading practices, we will look at the different narratives used to move responsibility. In the following chapter, the results of the frame analysis of the sample of documents are

presented. Later, in the discussion chapter, the frames are elaborated upon against the backdrop of the literature review on framing and the case study.

5.0 Framing analysis: results

As discussed in the methodology chapter, a total of 63 publications were analyzed to uncover frames present in relation to the Directive on unfair trading practices. This frame analysis serves to determine which frames prevailed in the debate on unfair trading practices and gives insight into the outcome of the policy process. The results of the analysis are presented per actor introduced in Section 3.5 of the methodology chapter – namely, Copa-Cogeca, FoodDrinkEurope, EuroCommerce, and the EC.

In order to come to these results, the sample data set was analyzed and broken down in smaller elements that potentially build up a frame. After this open coding process, the elements were categorized based on frame. These elements are sentences, paragraphs, or images from the publications. In these frame elements, there is a possibility of duplicates, meaning that the narrative has been repeated within multiple publications and sometimes even in the same publication. A reoccurring element could indicate the use of a frame; therefore, duplicates were not removed from the analysis. Furthermore, it is possible for an element (a sentence, paragraph, or image) to be categorized into multiple frames. In this chapter, the frames that could be found in the data set are presented. The full analysis of the sample documents, including all elements, can be found in Annexes 1–4. The meaning of these results will be elaborated on in the next chapter.

5.1 Results of frame analysis: Copa-Cogeca

Copa-Cogeca is the largest farmers' interest group on EU level. The sample of documents for Copa-Cogeca consisted of all publications concerning unfair trading practices within the research timeframe of January 1, 2017, and April 30, 2019. In total, 15 publications were researched; all of these were press releases. The first press release dates from January 28, 2017; the last one was published on March 12, 2019. A total of 29 frame elements were retracted from these press releases.

The first frame that surfaced was the frame that considered the farmer to have a weaker position in the supply chain in comparison with other actors. This weaker or disadvantaged position does not only consider bargaining power, but also the percentage the farmer gets of the price the consumer pays for a commodity and his or her overall income. To illustrate, on August 22, 2017, Copa-Cogeca sent out a press release with the statement: "It is

unacceptable that farmers get for example only 20% of the price of a piece of steak when they are the ones who do the majority of the work in producing it.”

The second frame is linked to the first one and calls for a legislative framework on unfair trading practices to create a fairer supply chain – initially, for the farmers. Copa-Cogeca believes the SCI, to which they did not sign up, does not suffice in combating unfair trading practices. The following is an example of an element that can be categorized into two different frames: “The voluntary Supply Chain Initiative (SCI) which was developed by retailers and processors, to which Copa and Cogeca did not sign up to, clearly does not work” (Copa-Cogeca, 2017, August 22). This element builds the frame for a legislative framework and, in the process, retailers and processors are presented in a more negative light.

The third frame is called “fairness for all.” Initially, Copa-Cogeca only defended the interests of farmers. Later in the lobby process, Copa-Cogeca decided to join forces with FoodDrinkEurope, among others. This led to a series of joint press releases advocating fairness for all and expansion of the scope of the Directive. An example of the new coalition that had formed came in October 2018 in the form of a joint press release in which was stated: “The 11 million farmers and 293.000 food producers of Europe call now for the support of the EC and Council to ensure that this legislative proposal is adopted by the end of 2018” (AIM et al.)

Lastly, when a frame introduces a weaker actor, there must also be a stronger actor in the picture. According to Copa-Cogeca, that stronger actor is retail. A sentence from a press release serves as illustration: “It is clear that voluntary initiatives don’t work. They failed to bring the necessary change in retailers behavior” (Copa-Cogeca, 2017, July 27). This frame element was linked to two frames: “call for legislation” and “retail is to blame.” The table below presents an overview of the different elements making up the frames. The elements are described in detail in Annex 1.

Frame found	Present in element number:
Weak position of farmer	1,4,5,8,13,14,17,26,28
Call for legislation	2,3,6,7,9,10,11,16,17,21,22,25

Fairness for all	12,15,19,20,21,22,23,24,25,27,29
Retail is to blame (largest revenue)	6,9,13,17

5.2 Results of frame analysis: FoodDrinkEurope

FoodDrinkEurope is Europe's largest manufacturer interest group. The sample of documents from FoodDrinkEurope consisted of all publications concerning unfair trading practices within the research timeframe of 2017–2019. In total, 13 publications were researched; most of them were press releases, but some position papers were also included. The first publication dates from November 13, 2017; the last one was published on March 12, 2019. A total of 24 frame elements were identified from these publications.

For the most part, the message of FoodDrinkEurope was short, but concise: “fairness for all.” FoodDrinkEurope asserted that they, too, were subject to unfair trading practices. With the frame fairness for all, FoodDrinkEurope wished to widen the scope of the directive to not only protect SMEs, but to also protect food processors and manufacturers and create a fairer food supply chain for all. To strengthen the frame, FoodDrinkEurope formed alliances with other interest groups and issued joint statements. The following element gives a good illustration of this frame: “Without a law that includes all actors, everyone will be exposed, directly or indirectly, to unfair trading practices. What is unfair is unfair, no matter who you are” (AIM et al., 2018, September 24).

In addition, FoodDrinkEurope addressed their concern about retail alliances allegedly asserting bargaining power over manufacturers. Although this concern was not yet a topic in the debate, FoodDrinkEurope used the momentum of fairness for all to state that manufacturers experience unfair trading practices – not necessary from a single retailer, but through buying alliances. They also asserted that this was one reason the SCI did not work, since the retail buying alliances were not a signatory of the SCI. On November 7, 2018, FoodDrinkEurope stated in a press release: “These alliances increase the buying power of the retailers, thus putting the manufacturing industry, and its suppliers, under increasing pressure. Many European retail alliances are headquartered in 3rd countries or in Member States with lower protection against unfair trading practices” (FoodDrinkEurope, 2018, November 7). In the table below, an overview of the frames found in the publications

of FoodDrinkEurope is presented. A detailed description of the elements that make up the frames can be found in Annex 2.

Frame found	Present in element number:
Fairness for all	3,4,6,7,8,9,10,11,12,13,14,15,16,17,21,22,23,24
Retail is to blame	1,2,5,18,19,20

5.3 Results of frame analysis: EuroCommerce

EuroCommerce is the largest interest group representing retailers and wholesalers on a European level. The sample of documents from EuroCommerce consisted of all publications concerning unfair trading practices within the research timeframe of January 1, 2017, to April 30, 2019. In total, 24 publications were researched; these range from press releases to position papers. The first publication dates from January 9, 2017; the last one was published on November 19, 2018. A total of 96 frame elements were identified from these publications.

EuroCommerce has used multiple frames to articulate their position on unfair trading practices. Over time, the frames have developed. One frame that has been fairly consistent is that the Directive will not help farmers as the EC intended. EuroCommerce believes that combating unfair trading practices will not lead to a better income for farmers. Furthermore, by extending the scope, the Directive moves away from helping farmers to helping larger food processors and manufacturers. EuroCommerce stated in a press release dated January 9, 2017: “Proposing EU-level legislation covering trading practices which relate almost exclusively to negotiations with large multinational manufacturers, does nothing to create a sustainable farming sector that everyone wants.” This element also contains a link to another frame in which EuroCommerce seeks to portray the relationship between farmers and retailers as positive.

Furthermore, EuroCommerce has argued that European legislation on unfair trading practices would do more harm than good to the supply chain. As an alternative to legislation, the voluntary SCI was proposed, in which a code of good practice was agreed upon. This frame was mostly used during the early phase of the EC contemplating to propose legislation on unfair trading practices. EuroCommerce asserted that “dispute resolution

mechanisms based on dialog and mediation offer the most effective solutions and support continuity of business relations. Court cases and ex-officio investigations disrupt or break relationships, can be very lengthy or very costly” (EuroCommerce, 2017, February 23). In this way, they tried to plead their case for the SCI instead of a regulatory framework on European level.

Throughout the researched timeframe, EuroCommerce have professed that farmers and retailers maintain a good relationship in which retail understands the trials and tribulations of the farming sector and in which it has done its best to support farmers. Retailers have done this by expressing interdependence and showing good will to help farmers be more competitive. On February 23, 2017, EuroCommerce stated the following in reference to the milk crisis of 2015: “Retailers understand the difficulties faced by farmers today and have, throughout the crisis, taken numerous steps to demonstrate solidarity with them. Retailers need European farmers able to compete successfully in an open market economy, and producing the diversity of food that is Europe’s unique strength” EuroCommerce (2017, February 23).

Another frame that surfaces, mostly on the policy process end, is that the extended scope of the Directive gives power to larger manufacturers. These manufacturers, according to EuroCommerce, do not need the protection of the Directive and have allegedly hijacked the Directive from the farmers. In the summer of 2018, EuroCommerce changed its tone. Statements like “Is rigging the market in favour of large manufacturers and cooperatives, who can themselves often be the source of farmers’ problems, the right road to go down?” (EuroCommerce, 2018, June 22) and “Amendments pushed by big multinational manufacturers, under the false pretense of ‘fairness for all,’ proposes to have those large companies covered as well, and to extend the list of prohibited trading practices” (EuroCommerce 2018, September 17) were not isolated, and this frame grew stronger. The message conveyed by EuroCommerce was that widening the scope would negatively influence the bargaining power of retailers in their dealings with manufactures.

Furthermore, these sentiments regarding the widened scope build on the manufacturer frame of the directive not benefiting consumers. EuroCommerce believes that consumer prices will rise when the scope of the directive is expanded, as it would give more protection and thus bargaining power to multinational suppliers, to the detriment of consumers. In a

press release, EuroCommerce stated: “Retailers and wholesalers are very concerned that, in the rush to reach compromises on the over 140 amendments put forward by the Parliament, the EU does not end up with a directive which puts farmers and SME suppliers at a massive disadvantage to large manufacturers, endangers small shops and kills off competition, costing European families billions on their food bills” (EuroCommerce, 2018, November 30).

Moreover, EuroCommerce criticized the proposed legislation on the basis of the EC commitment to ensure “better regulation,” stating the following in a press release at the end of 2018: “It is surely time for negotiators to remember some fundamental EU principles: subsidiarity, proportionality, proper assessment of the impact of legislation; and respect of the Treaty” (EuroCommerce, 2018, December 11). EuroCommerce asserted that the EC is not approaching the Directive in a fact-based manner, and, by expanding the scope, the legal basis of the Directive is surpassed and goes beyond what the impact assessment had accounted for.

In the table below, an overview of the frames found in the publications by EuroCommerce is presented. The elements that make up the frame are described in detail in Annex 3.

Frame found	Present in element number:
Directive will not help farmers	1,2,3,6,13,16,17,19,20,21,22,26,37,46,50,53,59,61,62,67,68,69,70,73,78,79,85,86,88,90,91,92,93,96
Alternatives for legislation better for supply chain	2,5,9,10,11,12,14,15,16,17,23,26,27,28,30,34,35,44,48,58,59,60,63
Directive will not benefit customers	2,6,21,30,32,39,40,51,53,54,55,56,62,65,66,67,68,69,70,78,79,85,90,93,94
Retailers and farmers have a good relationship	3,7,8,9,18,19,24,25,28,39,50,63
Larger manufacturers win	4,21,33,39,42,51,53,54,55,56,61,61,65,66,67,68,69,70,72,73,75,76,77,78,79,80,81,83,85,88,90,91,93,94,95

Not “better legislation”	29,31,37,38,40,41,45,46,48,49,57,59,61,64,71, 72,74,80,82,87,88,89,92
Miscellaneous	43,47,84

5.4 Results of frame analysis: European Commission

The sample of documents related to the EC consisted of all publications concerning unfair trading practices within the research timeframe of 2017–2019. In total, 11 publications were researched. The first publication dates from August, 16, 2017; the last one was published in March 2019. A total of 21 frame elements were identified from these publications, including three images. It must be noted that not all publications contained a frame or narrative – for example, documents such as working documents and impact assessment documents remained neutral and factual.

In other publications, one narrative prevailed: farmers with weaker positions are treated unfairly and must be supported by the EU. The weaker position is linked to bargaining power, income, and a fair price for farmers’ products. One of the elements that were found is depicted in Figure 1. This element entails an image used in a brochure of the EC to explain the Directive on unfair trading practices. It shows a graph with the title “Size of enterprise by turnover in mio.” On the left side, a man and a woman are portrayed wearing dungarees and simple clothing. The man is carrying a bucket and the woman is carrying a crate with vegetables. Both are labeled “farmer.” On the right side, a man is portrayed wearing a suit. His arms are crossed and he is labeled “buyer.” The couple on the left is carried by a hand, and the logo of the EU is depicted on the sleeve. Given the related context, this image can be interpreted to mean that the EU is supporting the “smaller” farmer versus the “bigger” buyer.

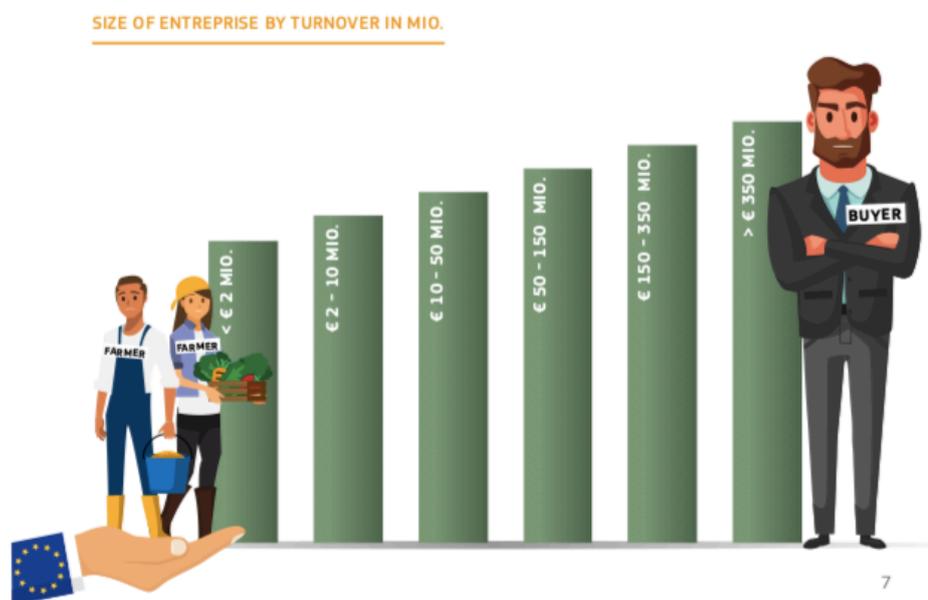


Figure 1. Size of enterprise by turnover in mio. EC (2019)

Another frame that was found, mainly in words spoken by AGRI Commissioner Hogan, indicated that larger operators are to blame for the weak position of farmers. Retail is often mentioned in this context. On October 6, 2017, Commissioner Hogan gave a speech in Dublin in which he stated the following: “Existing mechanisms such as the EU Supply Chain Initiative are not perceived by farmers to have any real teeth as they are voluntary, and lack serious consequences for retailers engaging in Unfair Trading Practices.” The table below depicts an overview of the frames found in the publications of the EC. The elements that make up the frame are described in detail in Annex 4.

Frame found	Present in element number:
Farmers must be protected	1,2,3,5,6,9,10,11,12,13,14,15,16,17,18,19,20,21,22
Retailers/larger suppliers are to blame	3,4,5,7,8,20

5.5 Preliminary conclusion

This chapter presented the results of the frame analysis performed on over 60 publications from four actors. Although the conclusions that can be drawn at this point of the discussion are limited, given that we first need to put these results into context, there are some preliminary remarks that can be made.

Firstly, EuroCommerce has publicized more press releases and position papers than anyone else. Furthermore, we can see frame congruence between frames used by Copa-Cogeca and the EC on the one hand and Copa-Cogeca and FoodDrinkEurope on the other. The latter congruence is evident because of joint press releases and is important to take note of in order to understand the outcome of the debate. Finally, it appears that FoodDrinkEurope and the EC have been most efficient in broadcasting their position. In the following chapter, these results are discussed in depth, as they are put into the context of the literature review and the case study on the Directive on unfair trading practices.

6.0 Discussion

The central research question of this paper is: “To what extent can we speak of frame congruence between the lobbying process and the Directive on unfair trading practices in business-to-business relationships in the agricultural and food supply chain?” The research period was limited to the timeframe of January 2017 until the entry into force of the Directive on April 30, 2019. In the previous chapter, the results of the frame analysis were presented to determine which frames had been used in the policy process.

As discussed in the literature review, both interest groups and European institutions engage in framing. In a policy debate, different narratives are used in order to make sense of facts, determine what is at stake, and highlight certain aspects while omitting others to benefit one’s own position. The same phenomenon has happened in the unfair trading practices debate. Four actors – Copa-Cogeca, FoodDrinkEurope, EuroCommerce, and the EC – have each framed the policy debate in an attempt to influence the outcome. In the following paragraphs, the results of the frame analysis will be discussed in the context of the literature review and the case study on the Directive on unfair trading practices in order to understand which frames have been successful and why.

6.1 Chronological overview

After the EC had reported in January 2016 that it did not see added value for European legislation on unfair trading practices in the food supply chain, the debate on this topic came to a standstill. The debate was resumed on November 14, 2016, when the AMTF presented its report, including the recommendation that unfair trading practices should be covered by legislation, to the EU Commissioner for Agriculture and Rural Development, Phil Hogan (AMTF, 2016). Hogan then indicated that the EC would consider the report’s recommendations and present an appropriate response (EC, 2016, November 14). On January 9, 2017, this report was discussed in a public hearing, after which both Copa-Cogeca and EuroCommerce responded with a press release. Copa-Cogeca, the largest farmers’ interest group on EU level, introduced its two central frames: farmers have a weak position in the food supply chain and the call for legislation (Copa-Cogeca 2017, January 9). EuroCommerce, the largest retail and wholesale interest group on EU level, responded by stating that legislation on EU level will not help farmers gain more income or make them more market oriented and that the SCI is a good alternative to EU legislation

(EuroCommerce, 2017, January 9). FoodDrinkEurope did not enter the debate until November 2017.

In the months that followed, while the EC was contemplating possibly legislating unfair trading practices, EuroCommerce made various attempts to get their message heard, publishing multiple press releases reiterating various frames concerning why legislation would not be beneficial. Nonetheless, the Commission decided in the summer of 2017 to put in motion an inception impact assessment and a public consultation, including a stakeholder consultation (EC, 2019). This process took place from July 2017 until December 2017, and these consultations were to be used to inform the decision of the Commission to proceed with drafting legislation or not.

Up to this point, EuroCommerce had relied mainly on frames stating that legislation would not help farmers, that a voluntary approach is better for the supply chain, and that EuroCommerce and farmers have a good relationship in which EuroCommerce is willing to help farmers to become more market oriented. However, EuroCommerce added another frame when the consultation was announced. Since the earlier report of the Commission stating that it did not see any added value for legislating unfair trading practices, EuroCommerce indicated that it wanted the EC to justify this action (EuroCommerce 2017, August 31). For Copa-Cogeca, the consultation was a welcome step forward, thus it did not change its framing strategy.

In written text, the EC stayed rather neutral. It is in speeches and press releases that the EC can be seen to be framing the debate. On October 6, 2017, Commissioner Hogan gave a speech in which he, according to Marks (2017), declared war on the supermarkets. He spoke negatively about retailers in relation to unfair trading practices and ended his speech with the remark that the EC is now moving to draft a legislative proposal on unfair trading practices (EC, 2017a). Marks asserts that Hogan was trying to secure his legacy among farmers, as the Commission intended to reform the CAP in 2020. Furthermore, a Brexit would leave a gap in agricultural funding, thus Marks states that the legacy of Hogan “could well depend on whether he can protect them [farmers] from supermarkets” (Marks, 2017).

It was during the public consultation in November 2017 that FoodDrinkEurope entered the debate. FoodDrinkEurope published a position paper and a factsheet about unfair trading

practices. In these documents, FoodDrinkEurope immediately lays the groundwork for the frames it will be using – namely, retail is to blame and the scope must be widened to include processors and manufactures. These frames later progressed to “fairness for all.” Prior to November 2017, FoodDrinkEurope had not voiced a message on unfair trading practices.

On March 5, 2018, a broad coalition of European organizations was formed – which included Copa-Cogeca, FoodDrinkEurope, and six other organizations – to combat unfair trading practices and create fairness for all (AIM et al., 2018, March 5). The next day, EuroCommerce immediately issued a press release titled “Now is the time for a supply chain that works for everyone – particularly consumers” (EuroCommerce, 2018, March 6). EuroCommerce had to change its strategy, since it now had to take on a coalition of eight as well as a commissioner who had been vocal against the case of EuroCommerce. In a final effort to change the minds of policy-makers, EuroCommerce moved to the consumer frame, in which it tried to show that legislation would negatively impact consumers.

On April 12, 2018, the EC published its proposal for an EU directive to tackle unfair trading practices in the food supply chain. Commissioner Hogan reflected on the proposal: “Today’s proposal is fundamentally about fairness – about giving voice to the voiceless – for those who, through no fault of their own, find themselves the victims of a weak bargaining position” (EC, 2018a). This statement was supportive of the previously used frame about the position of farmers in the supply chain. For EuroCommerce, who opted for the status quo in the public consultation, the proposal was a major setback. The only option left on the table for EuroCommerce was damage control; in other words, to keep the scope limited so that it only covers smaller producers (EuroCommerce, 2018, May 25). Meanwhile, for Copa-Cogeca, FoodDrinkEurope, and their “fairness for all”- coalition, it was time to push for an extension of the scope (AIM et al., 2018, April 12).

In the summer of 2018, Paolo De Castro (S&D, Italy) was appointed rapporteur on the proposal for a directive on unfair trading practices. In his report, De Castro recommended that the scope of the Directive be widened. This recommendation by De Castro was warmly welcomed by Copa-Cogeca and FoodDrinkEurope in a joint press release (AIM et al., 2018, July 10), as they continued to hold on to the frame of fairness for all. On October 1, 2018, the report was brought to a vote in the Committee and was accepted. The vote and the

amendments that were tabled led EuroCommerce to believe that the proposal for a directive had transformed into a witch hunt against retailers (EuroCommerce, 2018, October 1)

On October 19, 2018, the BEUC wrote a letter to the MEPs, asking them to reject the request of the AGRI Committee to enter triilogue negotiations. The BEUC believed that changes made to the proposal for a directive would negatively impact consumers and lacked proper assessment (BEUC, 2018). Nevertheless, despite efforts from EuroCommerce and the BEUC, on October 25, the report was voted on and approved by the EP plenary, after which the trialogues immediately started to ensure that the Directive would be adopted as soon as possible (Copa-Cogeca, 2018, September 10).

For Copa-Cogeca and FoodDrinkEurope, the developments in the policy process matched their frames; thus, with every press release, they reasserted the fairness for all frame. For EuroCommerce, on the other hand, the developments were contrary to what they were meant to achieve, and EuroCommerce began to openly criticize the EU institutions:

The only way to avoid the unforeseen consequences of these ideas creating massive damage to the supply chain is either to stick closely to the Commission proposal, particularly on scope, or submit these new ideas to a proper assessment of their impact. All EU institutions have signed up to this principle under the inter-institutional agreement on better regulation (EuroCommerce, 2018, November 30).

On December 19, 2018, the EC announced that the EP, the Council, and the Commission had reached a political agreement after 8 months of negotiations (EC, 2018, December 19). Subsequently, EuroCommerce stopped publishing any documents on the matter. After the formal endorsement by voting in the European Council and the EP, the directive came into force on April 30, 2019. Member states were given 2 years to transpose the directive into the existing legal body and 2 and a half years to apply the legislation (Directive [EU] 2019/633, 2019).

6.2 Analysis Copa-Cogeca

Historically, agriculture has held an important position within European politics. Consequently, the farmers' interest organization Copa-Cogeca was formed early in the

European integration process, and they have since maintained a good relationship with the EC – including regularly meeting with the DG AGRI (Copa-Cogeca, n.d.). Copa-Cogeca had been calling for legislation in the food supply chain long before the scope of this research, as they wish to create a better position for their members.

Within the scope of this research, Copa-Cogeca has published a total of 15 documents concerning unfair trading practices in which a total of 29 frame elements could be distinguished. These elements reflect at least four reoccurring frames: the weak position of the farmer in the supply chain, a call for legislation, fairness for all in the supply chain, and the retail sector is the one to blame. These frames are primarily linked to the position of the farmers and are thus self-regarding frames, following Naurin's classification of frames (Naurin, 2007). These frames speak about consequences for the group the communicator represents – namely, the farmers. However, the fairness for all frame is considered to be an ideal-regarding frame, as it does not specifically address the position of farmers but relates to the greater good.

The first frame that reoccurs in the discourse of Copa-Cogeca is that farmers have a weak position within the supply chain. It has been stated that the price farmers get for their products is not “a fair share of the pie,” referring to the percentage they receive of the price the customer pays. Copa-Cogeca explains: “A breakdown of the share of the value of the agricultural product shows that farmers receive on average 21% of the share of it whilst 28% goes to processors and 51% to retailers. This can no longer continue. Farmers need a fair share of the value of their produce” (Copa-Cogeca, 2018). This is a rather strong frame which is also adopted by the EC and by Phil Hogan, in particular, as the proposal for a directive aimed to improve the weaker position of farmers in the supply chain (EC, 2018b). This frame is visible throughout the policy debate. In their research Borang and Naurin (2015, p. 512) have argued that, indeed, Commission officials are more likely to share the views of civil society lobbyists, when media attention is limited. In the case of this Directive media attention was low.

A second frame that has been prevalent is the call for legislation. Copa-Cogeca believes that voluntary approaches are not sufficient and that a legal framework is vital to combat unfair trading practices. Copa-Cogeca was not a signatory to the SCI. They believe the SCI does not have the necessary discretion and lacks the ability to enforce any sanctions and

independent investigations (EP, 2016). This frame was mostly used until the proposal for a directive that was published by the EC, which can be seen as indicator that this frame has been rather successful.

Given its connection to all frames, retail appears to be the one to blame, according to Copa Cogeca. However, this has not been the frame all along; it has developed over time. In the beginning of the policy debate, mostly retailers, but also processors, were targeted as the scapegoat. In frame element 9, Copa Cogeca is speaking about the SCI and also targets processors: “The voluntary Supply Chain Initiative (SCI) which was developed by retailers and processors, to which Copa and Cogeca did not sign up to, clearly does not work” (Copa-Cogeca, 2017). After March 5, 2018, Copa-Cogeca stepped away from targeting processors due to their collaboration with FoodDrinkEurope – the largest manufacturers’ organization in Europe. Their first joint press release was published on March 5, 2018. From then onward, the fairness for all frame dominated.

The final frame, fairness for all, only became visible at a later stage in the policy process. It was a frame which was shared with FoodDrinkEurope, among others. FoodDrinkEurope had jumped on the bandwagon of Copa-Cogeca in their efforts to create a legal framework, as they, too, were alleging that they experienced unfair trading practices. From a lobbying perspective, this was a clever move from both FoodDrinkEurope and Copa-Cogeca. In the food supply chain, there are roughly four actors: producers, processors, retailers, and consumers. Because this directive is focused on business-to-business relationships, only three actors remain. When producers and processors collaborate and assert they are subjected to unfair trading practices in dealings with entities with stronger bargaining power, and retailers look away, saying that legislation is not necessary as the right evidence was not provided, who will be believed?

6.3 Analysis frames: FoodDrinkEurope

FoodDrinkEurope is the largest manufacturers’ organization within the European food supply chain; they are the middle man between producers and retailers. FoodDrinkEurope only entered the discussion when the public consultations were held; prior to that, it was mainly a discussion between farmers and retail. Within the scope of this research, FoodDrinkEurope published 13 documents concerning unfair trading practices, from which

a total of 24 frame elements were identified. Two frames were distinguished from these elements: fairness for all and retail is to blame.

The first frame, fairness for all, has been FoodDrinkEurope's angle throughout the entire debate on unfair trading practices. According to Naurin's classification of frames and as stated before, this frame is an ideal-regarding frame (Naurin, 2007). However, this is an ideal-regarding frame from which FoodDrinkEurope directly benefits. Initially, the proposal for a directive aimed to protect small and middle-sized suppliers from buyers who are not small and middle-sized (EC, 2018). The definition of small and middle-sized suppliers was mostly applicable to farmers with regards to the proposal for a directive on unfair trading practices. However, FoodDrinkEurope, together with Copa-Cogeca and others, pushed for a larger scope for the directive to ensure that all in the food supply chain would be protected and to create a fairer supply chain. With a "fairness for all" supply chain, FoodDrinkEurope's larger members would thus have a legal advantage over retailers in the negotiation process.

The fairness for all frame was accompanied by the frame that retail is to blame. It was in FoodDrinkEurope's interest to voice that they, too, had experienced unfair trading practices in their business relationships. With the fairness for all frame, FoodDrinkEurope indirectly pointed the finger toward retail, as retail is positioned above manufacturing in the food supply chain. For FoodDrinkEurope, this directive has been a good opportunity to express their discontent regarding retail buying alliances (FoodDrinkEurope, 2017, November 13), in which retailers work together to get bulk deals from manufacturers. FoodDrinkEurope claims that these alliances engage in unfair trading practices on behalf of individual retailers; where retailers are part of the SCI, they allow their EU retail alliances, not registered to the SCI, to engage in unfair trading practices (FoodDrinkEurope, 2017). With the broader scope, members of FoodDrinkEurope now enjoy more protection from retail buying alliances.

6.4 Analysis frames: EuroCommerce

EuroCommerce is the largest interest group, on a European level, to represent retail and wholesale. EuroCommerce has opposed legislation from the beginning and was thus in favor of maintaining the status quo. EuroCommerce has been mainly concerned with the legal basis for the Directive and the principles of subsidiarity and proportionality.

EuroCommerce has published a total of 24 documents on the topic of unfair trading practices. In contrast, Copa-Cogeca, FoodDrinkEurope, and the EC have each only published 15 or less documents on the topic. From these 24 documents, a total of 96 elements were identified and six different frames were distinguished. This large number of elements and frames brings into question EuroCommerce's efficiency and strategy.

To begin with, EuroCommerce have been stating that the Directive will not do anything to help farmers. EuroCommerce has acknowledged farmers' discontent about their income, but points out that this has to do with the market forces of supply and demand. Furthermore, retailers assert that the consumer price is unrelated to the price farmers and producers get for their products. Consequently, legislation will not help strengthen the position of the farmer. Rather, farmers need help in getting themselves organized and learning from each other. This frame, following Naurin (2007), can be distinguished as an other-regarding frame. The communicator (retail) is not part of the group (farmers) it discusses but talks about consequences and implications for this group.

Later in the policy process, this frame was repeated, but with a slightly different angle. Because an extension of the scope was underway, the frame was still that the directive will not help farmers, but now with the added angle that the initial proposal was to protect farmers and the negotiations had drifted away from that objective to protecting larger producers.

EuroCommerce had been in favor of maintaining the status quo and not legislating. EuroCommerce would prefer a voluntary, widely supported mechanism, such as the SCI, of which EuroCommerce was a founding partner. One could argue that the SCI established to show that a voluntary mechanism was possible and to purposely avoid any regulatory burden. However, with farmers' organizations refusing to sign, the SCI was bound to fail. Farmers' organizations had different interests and objectives than retailers in terms of a legal framework. Evidently, this frame nearly disappeared after the EC had published the proposal for a directive. EuroCommerce have since been focusing on other frames. Following Boräng and Naurin (2015, p. 513), EuroCommerce was already one-nil down because legislation was proposed in the first place. Furthermore, Boräng and Naurin state that EuroCommerce could have potentially changed the outcome of the debate, had they sought media coverage as "negatively affected actors".

The consumer frame was also distinguished. Just like the farmers frame, the consumer frame was other regarding. EuroCommerce is not part of the consumer group, but is vocal about possible consequences for the group. EuroCommerce had mentioned consumers early on in the policy debate, but later stepped away from that angle. However, the frame resurfaced after the proposal of the EC on unfair trading practices and the support of the BEUC. The BEUC, a consumer organization, wrote a letter to the members of the EP that it was concerned about the direction in which the Directive was moving (BEUC, 2018). EuroCommerce had been alone in the policy debate up until this point. However, the letter from the BEUC came in late October 2018 when triologue negotiations were about to start, which was too late to make any impact. By the same logic, the late consumer frame of EuroCommerce was not successful.

Another frame described the relationship between farmers and retailers. This relationship has been under pressure from external opinions, disputes, and policy debates. Due to cultural and historical influences, public opinion is often not in favor of retail in regard to the relationship between farmers and retailers. In order to be viewed as more sympathetic, EuroCommerce framed the relationship between retailers and farmers in a positive way by stating that it is well aware of challenges farmers face, offering help, acknowledging farmers' hard work, and emphasizing retail's dependency on farmers in order to serve its customers (EuroCommerce 2017, May 3). EuroCommerce wishes to change public opinion. Or, in regard to the Directive, it wishes to positively affect policy-makers' opinions. This frame is a self-regarding frame as the communicator, EuroCommerce, is part of the group referred to (Naurin, 2007).

Another frame that was present in the publications of EuroCommerce was the frame that this Directive was a victory for the larger operators. This is a frame that progressed over time. At first, retail pointed out that it often does not buy its products directly from farmers, implicitly saying that if farmers experience unfair trading practices, it is going to be from manufacturers. Later in the process, when FoodDrinkEurope started to voice its fairness for all frame, EuroCommerce stated that the manufactures hijacked the proposal and widened the scope just to be able to enjoy protection, to the detriment of retail and its customers (EuroCommerce, 2018, November 30). For EuroCommerce, the fairness for all frame had been troublesome as FoodDrinkEurope had been a vital partner of EuroCommerce in founding the SCI and then positioned itself in opposition to EuroCommerce on this issue.

Lastly, EuroCommerce voiced a frame on the legal basis of this legislation. EuroCommerce asserts that the EC has failed with regard to its “better regulation” strategy, in which it had promised to remove redundant legislation and conduct proper impact assessments and subsidiarity and proportionality checks to determine whether legislating at a European level was necessary. EuroCommerce claims that the data the EC has provided to justify legislation were just based on perception surveys and that the impact assessment failed to include possible consequences for customers, as the impact assessment was done for a smaller scope. This frame has been strongly present in EuroCommerce’s publications throughout this policy debate, and it has been consistently used throughout the policy process; however, it was not heard by policy-makers.

6.5 Analysis frames: European Commission

The EC is the primary legislator within the EU and the only body that has the right to initiate legislation. It does not have a specific mandate to advocate for a particular group, like the interest groups have. However, the EC does have its own political agenda. Following Kuypers (2009) and Daviter (2011) framing derives from the theory of agenda-setting. According to Kuypers, agenda-setting evolves into agenda-extension, when an actor does not only influence the agenda, but also influences how to think on certain topics (2009). Daviter agreed, stating that “any given policy choice must be analyzed in terms of the biases that created it” (2011, p. 28). Commissioner Hogan stated that ensuring a better position for farmers in the food supply chain was a focus point for himself and the EC (EC, 2016, November 14).

In total, 11 EC publications were researched. A total of 21 frame elements were identified from these publications. As stated before, not all publications contained a frame or narrative – for example, working documents and impact assessments remained neutral and factual.

The EC framed this policy debate by publishing a proposal for a directive on unfair trading practices. With this proposal, they chose an angle or narrative to convey, which is evident in their prevalent frame: farmers have a weak position and we need to act to improve this. Another frame present is that larger operators, mainly retailers, are to blame for the weaker position of the farmer. Both frames are considered to be other-regarding frames as the EC

is the communicator and talking about other groups of which it is not a member. Furthermore, it is worth noting that the EC's position within this debate confirms notions by Morth (2000) and Daviter (2011) in which they agree the Commission does not always act as unitary actor, but sometimes goes through internal framing (Morth, 2000) and "following political rationalities based on policy portfolio (Daviter, 2011, p. 164)". This is exemplified by the importance of DG AGRI in this debate and the report by the EC of January 2016 (EC, 2016) in which was decided not to pursue legislation, only to reverse this decision 11 months later (EC, 2016, November 14).

The first frame, farmers must be protected, stems from the political agenda of the EC, which is visible in, for instance, the Commission Work Program of 2018 (EC, 2017). This frame has been most prominent in the proposal for a directive on unfair trading practices and remarks from Commissioner Phil Hogan. Moreover, it appears that the EC knows the origin of the unfair trading practices – namely, retail. Although this frame is not present in any of the official documents published by the EC, this frame is present in remarks from Commissioner Hogan and his DG AGRI.

To illustrate, a tweet from the DG AGRI is depicted in Figure 2. The tweet was accompanied by an image. In the image, we see what appears to be a man in overalls and work boots. From the related context (the communicator and tweet text) it can be concluded that the man portrays a farmer. He is carrying a conveyer belt, which likely represents processors and manufacturers, and on top of the conveyer belt, a store is depicted with a sign that reads supermarket.



Figure 2. Tweet posted by DG AGRI after Hogan's speech in Dublin EUAgri (2017, October 6)

Clearly, in October of 2017, in the midst of the public consultation, the EC expressed a frame in which retail is to blame for an unfair food supply chain. It is argued, as was shown in the case study, that the EC needed this Directive to show farmers that the EC is protecting them in order to pave the way for the CAP reform of 2020, aimed at building a more market-oriented agricultural sector (Marks, 2017).

6.6 Conclusion

In this chapter the results of the frame analysis were discussed in the context of the literature review and the case study on the Directive on unfair trading practices. From this chapter, it can be concluded that some frames were indeed more successful than others. EuroCommerce in particular have had a difficult time framing their position successfully. With a total of 24 publications, 96 frames present in the publication and a Directive that does not reflect any of their efforts, it can be concluded that EuroCommerce has failed to successfully frame the facts to benefit their position. Furthermore, the European Commission identified the issue with the proposal for a directive on unfair trading practices and influenced public opinion by spoken word. Meanwhile, Copa-Cogeca and FoodDrinkEurope have successfully used a coalition strategy to frame the debate on unfair trading practices. They have adopted a simple, repetitive frame that was reflected in the

final text of the Directive by widening the scope, which suggests that we can indeed speak of frame congruence.

7.0 Conclusion and recommendations

This study aimed to provide an answer to the following central research question: “To what extent can we speak of frame congruence between the lobbying process and the Directive on unfair trading practices?” In order to formulate an answer, key literature by leading scholars was reviewed to define what framing is and to identify the role framing plays in European public policy. Furthermore, a case study was done on the Directive on unfair trading practices to understand how it came about. Then, a frame analysis was performed on 63 publications published by four actors in the policy debate – namely, Copa-Cogeca, FoodDrinkEurope, EuroCommerce, and the EC – to find out what frames were used with regard to the Directive on unfair trading practices. Finally, the literature review, case study, and frame analysis were integrated to gain insight into which frames were successful and why.

7.1 Conclusion

With regard to the central research question, it can be concluded that there is a high level of frame congruence between frames present in the policy debate and frames on which the Directive on unfair trading practices is based. Frame congruence does not entail a causal relationship, so the influence of the frames is open to speculation. Nevertheless, there are a few frames that seem to have been supported in the final text of the Directive. First, there is the call for legislation by Copa-Cogeca. Later in the policy debate, this frame was also supported by FoodDrinkEurope and the EU. Second, there is a mutual understanding on the weaker position of farmers, framed by Copa-Cogeca and the EU. Third, the frame fairness for all, initiated by FoodDrinkEurope and sustained by Copa-Cogeca, with the help of the triologue negotiators, served to extend the scope of the directive. Unfortunately for retailers, they were the biggest loser in this debate. Overpowered by a strategic coalition, EuroCommerce cried out, but no one listened.

7.2 Recommendations

Based on this research, a few recommendations could be considered for future research on framing in a policy debate. Firstly, frame analysis is very labor intensive when done manually; however, computer-assisted frame analysis can overlook small details in context. It is thus recommended that a semi-computer-assisted method is investigated. Furthermore, this research selected the EU as a primary framer within this policy debate. However, although the EU did frame the issue by defining it, it remained rather neutral in

written text. For a framing analysis, it might be more interesting to look at framing by the EP and the European Council. If the EU as framer is still the topic of interest, a closer examination of speeches and debates within parliament, rather than written texts, is recommended. Moreover, as concluded in this study, this policy debate was heavily influenced by the use of coalitions. Consequently, it would have benefited this research greatly if key literature on the power of coalitions in relation to interest groups and lobbying had been reviewed.

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Annex 1: Frame elements Copa Cogeca

#	Element	Found in
1	'to improve farmers weak position in the food chain to ensure that they get a fairer share of the price paid by consumers.'	Copa-Cogeca (2017, January 9)
2	'For us, an EU framework law is vital to curb UTPs – something we have long been calling for - so that operators are sanctioned when they break EU law.'	Copa-Cogeca (2017, January 9)
3	'We need legislation at EU level with independent enforcement by an authority to combat unfair practices and to apply significant sanctions to those that break EU law'	Copa-Cogeca (2017, June 21)
4	'difficult situation facing farmers, with their incomes at 40% of average earnings when compared to other sectors of the economy'	Copa-Cogeca (2017, June 21)
5	'to improve farmers' weak position in the food chain'	Copa-Cogeca (2017, June 21)
6	'It is clear that voluntary initiatives don't work. They failed to bring the necessary change in retailers behavior.'	Copa-Cogeca (2017, July 27)
7	'The huge imbalance of power in the food supply chain has left us with no choice but to opt for option 3 and call for legislation to be introduced to improve farmers' positioning and to stop unfair trading practices.'	Copa-Cogeca (2017, August 22)
8	'It is unacceptable that farmers get for example only 20% of the price of a piece of steak when they are the ones who do the majority of the work in producing it.'	Copa-Cogeca (2017, August 22)
9	'The voluntary Supply Chain Initiative (SCI) which was developed by retailers and processors, to which Copa and Cogeca did not sign up to, clearly does not work.'	Copa-Cogeca (2017, August 22)
10	'We need to improve the functioning of the food supply chain and this must be done through legislation at EU level as we have clearly seen that voluntary approaches alone do not work'	Copa-Cogeca (2018, April 12)
11	'Legislation already exists in 20 Member States but it's important to have an EU wide framework to ensure a level	Copa-Cogeca (2018, April 12)

	playing field as well as to address transnational UTPs that could otherwise be left unchallenged.'	
12	'This proposal represents a step in the right direction. But it is important not to limit the scope of it. All businesses must be better protected against UTPs.'	Copa-Cogeca (2018, April 12)
13	'A breakdown of the share of the value of the agricultural product shows that farmers receive on average 21% of the share of it whilst 28% goes to processors and 51% to retailers. This can no longer continue. Farmers need a fair share of the value of their produce.'	Copa-Cogeca (2018, April 12)
14	'We can no longer accept that others will benefit financially from unfair and unethical business practices. Farmers' incomes are ultimately a great concern for us. Today, they represent only 40% of average earnings in other economic sectors and have fallen by 20% in the past four years.'	Copa-Cogeca (2018, May 23)
15	'We also need to increase the scope of this proposed Directive and ensure that all businesses are covered by it.'	Copa-Cogeca (2018, May 23)
16	'Legislation already exists in 20 Member States but it needs to be backed up by EU legislation to ensure a level playing field as well as to address transnational Unfair Trading Practices (UTPs) that could otherwise be left unchallenged.'	Copa-Cogeca (2018, May 23)
17	'Farmers receive only 23% of the added value of agriculture products whilst the share of retailers is at 53% and has been increasing. Farmers' incomes are only 46.5% of average earnings of other economic sectors. Their share of the consumer euro has to be increased. We can no longer accept that others benefit financially from unfair and unethical business practices''	Copa-Cogeca (2018, June 29)
18	'We need legislation at EU level to tackle this as we have clearly seen that voluntary approaches alone do not work.'	Copa-Cogeca (2018, June 29)
19	'We also need to increase the scope of this proposed Directive and ensure that all businesses are protected by it.'	Copa-Cogeca (2018, June 29)

20	'AIM, Copa Cogeca, Fair Trade Advocacy Office and FoodDrinkEurope welcome Mr De Castro's work on this important topic and his willingness to combat unfair trading practices along the entire food chain. In particular, the signatories very much support the extension of the scope proposed by Mr De Castro, as all businesses along the food chain must be protected from UTPs.'	AIM et al. (2018, July 10)
21	'We call upon Members of the European Parliament to work jointly with the Council to strengthen the Commission's proposal with the objective of creating a minimum harmonised framework at EU level to the benefit of all businesses and consumers.'	AIM et al. (2018, July 10)
22	'The 11 million farmers and 293.000 food producers of Europe call now for the support of the European Commission and Council to ensure that this legislative proposal is adopted by the end of 2018.'	AIM et al. (2018, October 1)
23	'The EU Parliament Agriculture Committee voted with an overwhelming majority for a fair food supply chain benefiting all actors and consumers. This historic vote is welcomed by the entire European food supply chain as a key step towards ensuring fairness and certainty for all.'	AIM et al. (2018, October 1)
24	'In the interests of our farmers and food producers, creating a fairer and more transparent food supply chain to the benefit of all European consumers.'	Copa-Cogeca (2018, October 24)
25	'Twenty Member States currently have legislation in place successfully addressing UTPs directly or indirectly. None of them imposed an economic size limitation in their scope of application. None of them have reported an increase in food prices for consumers or a downgrade in standards in food production or animal welfare.'	Copa-Cogeca (2018, October 24)

26	'Today's vote shows that MEPs have understood the importance of M De Castro's report and care about the way we produce our food and the people that produce it.'	Copa-Cogeca (2018, October 25)
27	'Copa and Cogeca are convinced that the enforcement of the resulting Directive will contribute to establishing more transparent, balanced and fairer relationships among all players involved in the food supply chain.'	Copa-Cogeca (2018, December 19)
28	'Copa-Cogeca celebrated this historical agreement that once transposed into a Directive and implemented across the EU will help achieve a fairer food chain with adequate return for those who produce our food.'	Copa-Cogeca (2019, January 28)
29	'This action will improve the trading conditions for the 11 million farmers and 293,000 producers in Europe, as well as for many more suppliers outside the EU, when selling their products on the European market.'	AIM et al. (2019, March 12)

Annex 2: Frame elements FoodDrinkEurope

#	Element	Found in
1	'it is essential for an action at EU level to tackle unfair commercial relations that occur along the entire food chain. This action should embrace the complexity of the food supply chain, including the development of retail alliances.'	FoodDrinkEurope (2017, November 13)
2	'cover UTPs that impact cross border trade (where retailers are part of the SCI, they let their EU retail alliances, not registered to the SCI, to commit UTPs.'	FoodDrinkEurope (2017, November 13)
3	Food processors are also exposed to Unfair trading Practices (UTPs), as shown by a survey carried out a few years ago where 96% declared they had been.	FoodDrinkEurope (2017, November 16)
4	Furthermore, the survey referred to earlier also shows that UTPs affect mid-cap and large companies. Limiting the scope of the framework legislation would only displace or even increase tension in the chain via additional unfair practices against producers not covered by the legislation.	FoodDrinkEurope (2017, November 16)
5	Similarly, it should include practices which are cross border by nature, i.e. unfair trading practices from European retail alliances: alliances of some of Europe's largest retailers play a gatekeeper role, conditioning negotiations with individual retail members of the alliance in various Member States to the buying of services, often of little or no value at European level. These alliances have strong bargaining power, even against large suppliers, and none of them has registered to the Supply Chain Initiative on good trading practices.	FoodDrinkEurope (2017, November 16)
6	'The EU needs a fair, transparent, equitable and sustainable food supply chain that can benefit all actors in this chain including consumers.'	AIM et al. (2018, March 5)
7	'The signatories are nevertheless concerned with the limited scope of the proposal, covering only SMEs suppliers. A	AIM et al. (2018, April 12)

	successful approach to combating UTPs needs to be applicable to all players in the supply chain, regardless of their size, as it would therefore impact all commercial relations.'	
8	'Now is the time to act to protect the economic, social and environmental sustainability of our food supply chain, strengthening Europe's competitiveness and growth to build a stronger and more inclusive Europe.'	AIM et al. (2018, April 12)
9	'AIM, Copa Cogeca, Fair Trade Advocacy Office and FoodDrinkEurope welcome Mr De Castro's work on this important topic and his willingness to combat unfair trading practices along the entire food chain. In particular, the signatories very much support the extension of the scope proposed by Mr De Castro, as all businesses along the food chain must be protected from UTPs.'	AIM et al. (2018, July 10)
10	'We call upon Members of the European Parliament to work jointly with the Council to strengthen the Commission's proposal with the objective of creating a minimum harmonized framework at EU level to the benefit of all businesses and consumers.'	AIM et al. (2018, July 10)
11	Unfair is unfair, regardless of the size of businesses	AIM et al. (2018, September 7)
12	We call for a clear definition of what is an unfair trading practice. Without such a definition the Directive risks leaving significant gaps which will be exploited by those who intend to obtain unfair advantages at the expense of the others in the food supply chain.	AIM et al. (2018, September 7)
13	The 11 million farmers and 293.000 food producers of Europe welcome today's vote by Members of the European Parliament's Internal Market and Consumer Protection Committee on the UTPs Directive as a clear step towards ensuring a fair and well-functioning food supply chain in Europe.	AIM et al. (2018, September 24)
14	'Without a law that includes all actors, everyone will be exposed, directly or indirectly, to unfair trading practices. What is unfair is unfair, no matter who you are.'	AIM et al. (2018, September 24)

15	'The 11 million farmers and 293.000 food producers of Europe call now for the support of the European Commission and Council to ensure that this legislative proposal is adopted by the end of 2018.'	AIM et al. (2018, October 1)
16	'The EU Parliament Agriculture Committee voted with an overwhelming majority for a fair food supply chain benefiting all actors and consumers. This historic vote is welcomed by the entire European food supply chain as a key step towards ensuring fairness and certainty for all.'	AIM et al. (2018, October 1)
17	'We are pleased that today marks a significant step in the right direction, for all actors in the agri-food chain, in our efforts to end unfair trading practices.'	FoodDrinkEurope (2018, October 25)
18	The leading retailers use their strong market positions to their advantage. As a consequence they are in a stronger bargaining position than the manufacturers. For a manufacturer, a contract to supply a retailer may represent a large proportion of its business, whilst one contract for a retailer, even with a larger food manufacturer, will represent only a small fraction of its overall business, creating a very one sided relationship.	FoodDrinkEurope (2018, November 7)
19	Despite inflation, retailers have imposed price reduction on suppliers, clearly demonstrating their increased bargaining and negotiation power.	FoodDrinkEurope (2018, November 7)
20	The main retailers, already leaders in some EU Member States, are joining international/European retail alliances to strengthen their position in the market. These alliances increase the buying power of the retailers, thus putting the manufacturing industry, and its suppliers, under increasing pressure. Many European retail alliances are headquartered in 3rd countries or in Member States with lower protection against unfair trading practices.	FoodDrinkEurope (2018, November 7)
21	The debate revealed that unfair trading practices are imposed, regardless of the size of the producer or the products.	AIM & FoodDrinkEurope (2018, December 19)

22	The Directive will complement the rules currently in place across over 20 Member States, reinforcing the Single Market and serving the EU's 500 million consumers.	AIM & FoodDrinkEurope (2018, December 19)
23	Unfair trading practices affecting farmers and food processors were widely debated and for the first time, it has been publicly recognized that there is no place for unfair trading practices in our food supply chain. Many policy makers supported the call from across the supply chain that "unfair is unfair!"	AIM & FoodDrinkEurope (2018, December 19)
24	'This action will improve the trading conditions for the 11 million farmers and 293,000 producers in Europe, as well as for many more suppliers outside the EU, when selling their products on the European market.'	AIM et al. (2019, March 12)

Annex 3: Frame elements EuroCommerce

1	Retailers expressed deep regret that the debate continued to focus on the misleading and mistaken belief that EU legislation on trading practices can resolve the problems of farmers in the supply chain. They repeated their strong support for helping farmers to provide competitive produce which consumers want to buy, but stressed that this was not the way to achieve this.	EuroCommerce (2017, January 9)
2	They however reiterated their clear conviction that EU-level legislation on trading practices will distort the supply chain, harm consumers and do nothing to help farmers.	EuroCommerce (2017, January 9)
3	Diverse, high-quality food is Europe’s unique strength, and what retailers need to attract consumers to come to their stores. We want to work with farmers and their organizations to make it easier for farmers to supply what consumers want. We therefore regret that, once again, hard-working farmers are being given a misleading promise that their problems will be solved at a stroke by legislation on trading practices, based on arguments which those putting them forward must know are simply not true. This approach to farmers' problems diverts attention away from where policy could really help farmers flourish.”	EuroCommerce (2017, January 9)
4	Retailers buy very little direct from farmers: on average across Europe, food retailers buy less than 5% of their products direct from farmers. The price paid for a processed product by a retailer, often to a chain of multiple intermediaries, has almost no effect on what the farmer gets for his produce. The practices identified by the Task Force affect contracts with large suppliers with already high net margins relative to retailers, and do not have any significant relevance to farmers.	EuroCommerce (2017, January 9)
5	The Supply Chain Initiative (SCI) has encouraged dialogue and positive behaviour: the SCI cannot and does not seek to replace national legislation, but rather supplement it by applying common principles, which were agreed with and signed by farmers' representatives four years ago, and by encouraging dispute	EuroCommerce (2017, January 9)

	resolution in a way that facilitates the continuation of business relationships.	
6	Commissioner Hogan has stressed the commitment of the EU to a market-oriented CAP. He should help farmers to organise themselves, to strengthen their position in the supply chain and respond to market demand. Proposing EU-level legislation covering trading practices which relate almost exclusively to negotiations with large multinational manufacturers, does nothing to create a sustainable farming sector that everyone wants – and instead will simply pile on further costs for hard-pressed consumers.	EuroCommerce (2017, January 9)
7	Retailers understand the difficulties faced by farmers today and have, throughout the crisis, taken numerous steps to demonstrate solidarity with them. Retailers need European farmers able to compete successfully in an open market economy, and producing the diversity of food that is Europe’s unique strength. The recent agriculture crisis had deeper roots, in global economic circumstances and other factors of a structural and cultural nature that retailers cannot influence.	EuroCommerce (2017, February 23)
8	Retailers are committed to high standards of commercial behaviour. This is in their commercial interest. Disappointed consumers go elsewhere if they cannot find the products they want in stores. Damaging suppliers' businesses by unfair dealings would undermine the sustainable supply relationships retailers need to offer a wide range of products efficiently, and would thus damage their competitive position	EuroCommerce (2017, February 23)
9	Retailers have shown their commitment to fair dealing with suppliers in defining and agreeing - with all other players in the food supply chain, including farmers, common principles of good practice for trading relations. We consider that these principles represent a common understanding at European level of what is fair practice.	EuroCommerce (2017, February 23)

10	Dispute resolution mechanisms based on dialogue and mediation offer the most effective solutions and support continuity of business relations. Court cases and ex-officio investigations disrupt or break relationships, can be very lengthy or very costly	EuroCommerce (2017, February 23)
11	Any scheme such as the SCI can only guarantee a fair process of negotiation, and dispute resolution for an alleged breach of principles of good practice. Neither the SCI nor legislative intervention in contractual negotiations can guarantee one party or another a specific outcome – including price or guaranteed income.	EuroCommerce (2017, February 23)
12	National solutions are most appropriate and subsidiarity should remain the norm. There is always a national law applicable to a contract and a significant number of countries have legislation regulating dealings between actors in the supply chain.	EuroCommerce (2017, February 23)
13	Overly complex regulation, as is the case in certain countries, encourages companies to develop standard terms and conditions which are worked out by lawyers in order avoid legal proceedings. This tends to serve above all the interests of multinational suppliers, who have extensive legal staff. They clearly fail to work to the advantage of SMEs or farmers, who do not have the same legal expertise and resources as large companies.	EuroCommerce (2017, February 23)
14	EuroCommerce supporting stronger Supply Chain Initiative and national supply chain dialogue as alternative to EU legislation	EuroCommerce (2017, April 4).
15	As a founding member of the SCI, we are convinced that, in a fast-moving market such as the food supply chain, dialogue and peer pressure are the most effective means of helping companies handle their issues quickly and effectively. Importantly, it does so in a way that facilitates the continuation, rather than rupture of the business relationship.	EuroCommerce (2017, April 4).
16	We consider that an action should be focused on helping farmers, and avoid adding further rigidity and barriers to open and efficient negotiations between other parts of the supply chain. We also	EuroCommerce (2017, April 4).

	encourage the Commission and Member States to further support the development of self-regulatory means as a useful complement to national legislation.	
17	We do not see the case for EU-level harmonisation of laws on trading practices, as there is always a national law applicable to a cross-border transaction and different regulatory or voluntary schemes in Europe seek to address the same outcomes. We also fail to see how prohibiting certain agreements, principally between large retailers and manufacturers, will protect farmers from the impact of volatility and market dynamics	EuroCommerce. (2017, April 4).
18	<i>Retailers understand the difficulties many farmers face, and have acted to help farmers over crisis periods. Over the longer term, they need a competitive and sustainable farming sector that delivers products which consumers want to buy. We support a market-driven agriculture and policies which strengthen farmers' position in the food supply chain. If we are all serious about achieving this, it is high time that we put aside divisive polemics and commit to a dialogue which can create trust and add value for everyone in the chain</i>	EuroCommerce. (2017, May 3)
19	Retailers understand the difficulties many farmers face, and have acted to help farmers over crisis periods in recent years. We want to help further, and support many of the recommendations of the Agri-Markets Task Force to improve farmers' competitive position over the long term in the market. We fail to understand why so much attention is focused on EU unfair trading practices legislation when this is the one thing that will do nothing to help farmers.	EuroCommerce. (2017, June 19)
20	EU legislation will simply add a further layer of bureaucracy to existing national laws which have not shown any positive impact on the problems facing farmers.	EuroCommerce. (2017, June 19)
21	Retailers operate in a highly competitive market with average net margins of around 1% on food products, negotiating with food manufacturers with net margins of 15% or higher. By outlawing	EuroCommerce. (2017, June 19)

	what are normal business practices between large, often multinational manufacturers and retailers, those calling for legislation will make it more difficult for retailers to get a good deal for consumers and simply put up consumer prices, with no benefit to farmers	
22	if retailers only buy 5% of the goods they sell direct from farmers, how will imposing EU rules on their contractual negotiations, largely with the large multinational food processors, do anything for farmers?	EuroCommerce. (2017, June 21)
23	if countries with no legislation, but well-organised farmers, have healthy agricultural sectors, while countries with very intrusive legislation go from one crisis to the next, what effect can EU legislation bring about?	EuroCommerce. (2017, June 21)
24	We do not downplay the real problems which farmers face, and will support measures which can really address them. We want farmers to be able to organize to improve their bargaining power, both in buying vital inputs and selling their produce, while respecting competition rules.	EuroCommerce. (2017, June 21)
25	We support ideas around market transparency and contractualisation, as well as other measures to help farmers weather the inevitable volatility that a global market involves. Above all, retailers want to build a real dialogue at European and national level to help ensure that farmers can produce the food in the right quantities and quality consumers want to buy. No legislation will ever be a substitute for that.	EuroCommerce. (2017, June 21)
26	Regulating alleged unfair trading practices (UTPs) at EU level is not the right tool to address issues related to farmers' incomes, their competitive position or ability to embrace future market challenges. We furthermore do not see any added-value in further EU level regulation, as all member states have basic regulations covering contractual relationships, and a significant majority have adopted complementary schemes to address alleged UTPs, including enforcement provisions	EuroCommerce. (2017, August 31)

27	On this basis, we would favour option 1 (status quo). We would see value in a non-regulatory framework (option 2), if the Commission would take into account the role of the Supply Chain Initiative (SCI), its national platforms and other similar initiatives, in defining and promoting good trading practice across Europe as part of this approach. We are strongly opposed to the suggested options 3 and 4 (regulatory options).	EuroCommerce. (2017, August 31)
28	Farmers are a key partner in the food supply chain and, in order to meet consumer demand for diverse foods catering for varied needs and expectations, retailers have a direct interest in maintaining sustainable and efficient supply chains. In our opinion, structural measures such as supporting better farmers' organisation (within the boundaries of competition rules), entrepreneurship, the development of risk management tools and supply chain dialogue to better match production with demand, would be more appropriate in addressing the concerns raised	EuroCommerce. (2017, August 31)
29	We are concerned that perception surveys, without being complemented by objective evidence, do not provide the solid evidence to justify the need to take action. The Impact Assessment should be evidence-based and avoid proposing measures based on perceptions or emotions.	EuroCommerce. (2017, August 31)
30	We note that the considerable potential impact of the suggested measures on consumer prices, innovation and choice as well as on larger operators is absent from the Inception Impact Assessment	EuroCommerce. (2017, August 31)
31	We would also ask the Commission to emphasize what has changed since its report of 2016, which concluded that at this stage there was no need to regulate UTPs further at EU level, and provide the necessary compelling evidence justifying the need to reverse their decision.	EuroCommerce (2017, August 31)
32	Consumers are at the heart of the supply chain: The supply chain exists to supply consumers with the goods they demand, at prices they are willing and able to pay.	EuroCommerce (2017, September)

33	The balance of bargaining power between manufacturers and retailers depends on the product and can change over time. Manufacturer concentration remains very high in certain product categories. Many leading brands are made by large manufacturers with a global presence and a strong position in European markets. No retailer can impose a unilateral deal on a manufacturer of a 'must-have' product, even if it is an SME.	EuroCommerce (2017, September)
34	Retailers believe in fair dealing and freedom of contract as the basis for their commercial relationships (...)Out of millions of transactions taking place every year across Europe, only a few raise problems, and companies have worked to put in place systems to deal with them e.g. through a commitment to the Supply Chain Initiative (SCI).	EuroCommerce (2017, September)
35	An EU non-legislative framework could help promote good practice, improve trust and ensure that national regulations remain proportionate and non-discriminatory in terms of the origin of the operators, the practices concerned, enforcement practice and sanctions regimes. The Supply Chain Initiative is based on a common understanding of good practice and encourages the use of quick and efficient out of court dispute resolution mechanisms.	EuroCommerce (2017, September)
36	The speech has been portrayed by some of the European press as the Commission "declaring war on retailers", which, as I am sure you will agree, paints quite a damaging picture of a relationship between the Commission and a sector that is key to providing a reliable supply of food to consumers at reasonable prices. Isn't this what the CAP chapter of the Treaty, and the Commission as its guardian, also aim to ensure? We worry that by demonising retailers, the issue is again becoming polarised, when the supply chain needs reasoned debate and dialogue, based on factual evidence.	EuroCommerce (2017, October 12)
37	This surprised us considerably, as the Commission's consultation leading to the substantive Impact Assessment runs until 17	EuroCommerce (2017, October 12)

	November. It is surely rather premature, and not in line with the Commission's Better Regulation framework, to be announcing now that the Commission has already made up its mind what form any such action should take.	
38	The Inception Impact Assessment did not supply any new evidence to support abandonment of the Commission's conclusion just a year ago that EU-level legislation offered no added value. It only presented a couple of perception studies dating back a number of years, as evidence of a problem between farmers and retailers. And it did not address the basic question which the Commission needs to answer in advocating EU legislation: if retailers do not deal significantly with farmers, and if most of the practices identified by the Agri-Markets Task Force apply principally or exclusively to retailers' dealing with large multinational brands, what can EU legislation covering these practices do to help the position of farmers?	EuroCommerce (2017, October 12)
39	We agree with the Commission on many points in looking to improve the position of farmers – more transparency, better cooperation among farmers... But if such legislation squeezes retailers further in dealing with their large suppliers, it is the consumer - whom the Inception Impact Assessment incidentally failed to mention once – who will end up footing the bill.”	EuroCommerce (2017, October 12)
40	We are surprised that the Commission decided in its work programme to announce a decision to move ahead with legislation on the food supply chain. A stakeholder consultation due to feed into an Impact Assessment is currently seeking views on exactly this point until mid-November. This is surely jumping the gun on an important issue where hitherto the Commission has failed to produce any concrete evidence of a problem or how EU legislation can help any farmer improve his income." As EuroCommerce has pointed out in the past, retailers buy less than 5% of what they sell from farmers direct. Thus there is a	EuroCommerce (2017, October 25)

	danger that EU legislation will be no more than gesture politics and end up with consumers footing the bill.	
41	As recently as in 2016, the Commission had concluded that, based on their analysis at the time, action was not needed at this stage. We therefore ask that the Commission to use the Impact Assessment to put forward concrete and new evidence of the need to take action. Such facts are missing from the Inception Impact Assessment, which only refers to perception surveys dating back a number of years.	EuroCommerce (2017, November 17)
42	Retailers compete hard and innovate to meet ever changing consumer demand. Strong competition in retail leads to narrow net margins (1-3% on average). Net margins in this order of magnitude does not suggest abuse of market power by retailers. Furthermore, retailers have, on average, few direct relationships with farmers (less than 5% of their contractual relationships). The majority of products sold in stores are processed, responding to demand from consumers for more convenience and added-value.	EuroCommerce (2017, November 17)
43	Added value at other levels in the chain has however no impact on the level of added value generated at farm level and cannot be used as a measure of possible bargaining power or concentration at any level in the chain. The vast majority of goods bought by consumers have undergone a number of transformations before they reach retailers' shelves. These transformations add value at each stage, and cannot influence the value added on the farm.	EuroCommerce (2017, November 17)
44	In our opinion, structural measures such as supporting the better organisation of farmers (within the boundaries of competition rules), entrepreneurship, the development of risk management tools and supply chain dialogue to better match production with demand, would be more appropriate in addressing the concerns raised.	EuroCommerce (2017, November 17)
45	This, as any other public consultation, will only provide a perception of stakeholders' opinions. By focusing on individual trading practices, it does not allow the results to reflect that in	EuroCommerce (2017, November 17)

	practice, retailers deal with their farmer and smaller suppliers in a very different way from large multinational operators. The questionnaire does not allow respondents to specify that the practices considered can be part of an overall contractual relationship in which parties freely agree on the allocation of costs and risks.	
46	As we did in our contribution to the Inception Impact Assessment, we ask the Commission to take a facts-based approach to the functioning of the food supply chain. Any possible policy measure should be based on a proper assessment of their impact on operators in the food supply chain and demonstrate clearly how they will improve farmers' incomes or address an alleged single market issue.	EuroCommerce (2017, November 17)
47	The retail and wholesale sector understands the difficulties facing a number of farmers but is very concerned that regulating alleged unfair trading practices at EU level will not offer farmers the protection or revenues they seek. On the contrary, making it more difficult to negotiate services with large manufacturers could generate increased pressure on price negotiations, lower incentives to seek efficiencies in supply chain management, increase administrative burdens, further fragment the single market, and shift margins to the benefit of larger players in the chain.	EuroCommerce (2017, November 17)
48	We support the status quo and encourage the Commission to rely on existing structures rather than seek to impose a new specific model on member states ⁶ . Transparency can help generate a better understanding of the contribution of each link in the food supply chain, and, in an aggregated form, how prices are formed, thus allaying some of the misconceptions about the functioning of the supply chain, and offering a strong basis for evidence-based policy making	EuroCommerce (2017, November 17)
49	A direct relationship between commodity prices and retailer prices cannot be established without an in-depth analysis of the	EuroCommerce (2017, November 17)

	<p>food processing and distribution structures and the cost of inputs. Furthermore comparing prices across Europe is of relatively limited benefit as a result of different costs structures and consumer preferences across Europe. Price transparency must not lead to price collusion on the market, hamper companies' negotiation capacity and strategic positioning, thus restrict competition</p>	
50	<p>Retailers and wholesalers want a constructive dialogue with farmers on how we can cooperate to ensure that farmers know what consumers are buying and maximise their value-added from what they produce. We understand the challenges facing agriculture and are keen to contribute positively to finding sustainable and effective solutions to help farmers become competitive and improve their revenues in an open market economy. Regulating trading practices which largely do not affect farmers will not help them become more competitive or improve their income</p>	<p>EuroCommerce (2017, November 29)</p>
51	<p>Regulating practices, without consideration of whom they are with, will make it more difficult for all the parties involved to adapt to changing consumer demand and reduce negotiations to discussing prices. This may skew relationships to the benefit of large manufacturers, who already make substantial profits.</p>	<p>EuroCommerce (2017, November 29)</p>
52	<p>Now is the time for a supply chain that works for everyone - particularly consumers</p>	<p>EuroCommerce (2018, March 6)</p>
53	<p>We agree fully with the objective of a fair, transparent, sustainable food supply chain that benefits all actors, including consumers. Where we differ from the organisations claiming to promote this, is how to achieve it: to benefit farmers and SMEs, we need structural measures to make them more competitive and able to adapt to rapid changes in consumer demand. EU regulation aimed at outlawing certain trading practices will do nothing for</p>	<p>EuroCommerce (2018, March 6)</p>

	farmers or SME suppliers. Such regulation will reduce competition, with the consumer paying even more for their food, to the benefit of large manufacturers whose net margins dwarf those of any other part of the supply chain	
54	Retailers and wholesalers buy most of what they sell from large food processors, and negotiate hard with these to get the best deal for consumers. These companies enjoy large net margins of typically 15-30%, while food retailers struggle to achieve net margins of more than 1-3% in the face of fierce of competition, which e-commerce has intensified.	EuroCommerce (2018, March 6)
55	Retailers remain dependent on these companies for must-have products which consumers expect to find on the shelves. By interfering in these negotiations, the regulator risks skewing the relationship to the benefit of large manufacturers. Retailers will not have the scope to absorb the price rises which will result, and consumers will end up footing the bill.	EuroCommerce (2018, March 6)
56	“We know that the Commission is not seeking to bolster the profits of large manufacturers at the expense of consumers. We call instead on the Commission to create a wider debate and dialogue with all stakeholders on measures to equip farmers and SMEs with the tools to help them respond to changes in the market and produce a variety of food products which consumers want and are ready to pay for	EuroCommerce (2018, March 6)
57	We are not convinced that a ‘minimum harmonisation’ approach is the right instrument to deliver the level playing field which the Commission wants to achieve. The Commission has not produced any evidence of a structural problem or of the utility of EU legislation in resolving it.	EuroCommerce (2018, April 11)
58	The proposal goes against creating the positive relationships and trust needed for a better- functioning supply chain. On the contrary, it favours adversarial enforcement and sanctions, which in some countries have already spilled over into discriminatory action and disproportionate fines incompatible with EU law. The	EuroCommerce (2018, April 11)

	directive also introduces an arbitrary culture of name and shame with no right of response or defence.	
59	Political gestures don't make for good or 'better regulation'. This directive won't do anything to help farmers. The problems farmers face are best addressed by helping them organise themselves better through e.g. producer organisations and cooperatives, encouraging the use of risk management tools, and aligning what they produce better with what consumers want. There is also a need for better understanding of value transmission in the supply chain	EuroCommerce (2018, April 11)
60	The Commission has opted for legislation to deal with issues which can be much better resolved by market operators through mediation and positive dialogue at national or local level, for example in national platforms and interbranch organisations. We therefore call upon the Parliament and the Council to resist making this a Christmas tree of additional, unnecessary and intrusive provisions or broadening the scope of the directive beyond farmers and SME suppliers.	EuroCommerce (2018, April 11)
61	Any attempt to extend the scope of the directive would run against the Commission's Impact Assessment and thus need a further Impact Assessment. Regulating trading practices between large processors, including global brands, and large retailers -as suggested by some- would affect parts of the supply chain fundamentally outside the scope of Art.43 and skew the relationship towards large processors, with no guarantee of benefits going to farmers.	EuroCommerce (2018, May 25)
62	Global brands dominate an extensive number of product categories, making substantial net profit margins (15-30%) compared to retailers, who on average make no more than 1-3%. Many global brands are under strong shareholder pressure to increase their profits. The resulting higher prices will have to be passed on to consumers, with no benefit to farmers.	EuroCommerce (2018, May 25)

63	Retailer brands benefit consumers, SMEs and farmers through long term partnerships and joint innovation. They are a way to complement retailers' brand assortment and generate growth in stagnant mature markets. The SCI developed good practice on confidentiality when launching branded goods, which registered companies can use.	EuroCommerce (2018, May 25)
64	Enforcement authorities must provide, in line with Art. 48 of the EU Charter of Fundamental Rights, proper rights of defence, including access to facts relating to a complaint, and appeal. This should be fully reflected in the directive. Provisions on name and shame are not necessary and should be deleted.	EuroCommerce (2018, May 25)
65	UTPs: Consumers should not pay to line multinationals' pockets	EuroCommerce (2018, June 22)
66	Retailers and wholesalers around Europe are shaking their heads at what the draft European Parliament report is demanding as changes to the Commission proposal. The Directive is meant to help farmers earn more, yet the latest changes risk offering highly profitable and very strong multinational corporations the ability to wring even more profits out of the European consumer, with no guarantee that these end up anywhere except their shareholders' pockets	EuroCommerce (2018, June 22)
67	Is rigging the market in favour of large manufacturers and cooperatives, who can themselves often be the source of farmers' problems, the right road to go down?– it won't help any farmer earn an extra cent, and only add millions of euros to the shopping bills of hard-pressed families across Europe.	EuroCommerce (2018, June 22)
68	The report somehow forgets the interests of 500 million European consumers, who never get a mention. A number of large manufacturers have already promised their shareholders to increase their profit margins further by 3-10%. Strengthening the negotiating might of large manufacturers will have one result. Retailers, operating on very low margins, will not be able to absorb the resulting price rises - the consumer will have to pay,	EuroCommerce (2018, June 22)

	and no farmer will see an extra cent. The Commission concluded that such an extension of the scope of the directive would harm consumers and was not justified.	
69	Unfair Trading Practices – Fairness for farmers and consumers – not profit for multinationals	EuroCommerce (2018, September 10)
70	<i>“The Commission proposal is aimed at supporting farmers and small manufacturers: their own impact assessment presented strong evidence that further skewing the balance of power to massively profitable multinationals would put up prices and harm the consumer, with no evidence that any of the extra money earned by these industrial giants would be fed back to farmers.”</i>	EuroCommerce (2018, September 10)
71	the proposal is based on Article 43(2) TFEU, and therefore needs to demonstrate a direct benefit to farmers and/or consumers. A transaction involving an industrial food product sold by a large manufacturer to a retailer ceased long ago being a transaction involving a farmer and thus cannot be covered under an agriculture legal base.	EuroCommerce (2018, September 10)
72	The directive gives rights to suppliers, but none to buyers. In adding to the power and profits of the largest players in the supply chain, but giving no rights to buyers who are smaller than them, the important rights of equality and non-discrimination laid down in European law are being cast aside.	EuroCommerce (2018, September 10)
73	Amendments pushed by big multinational manufacturers, under the false pretense of “fairness for all”, proposes to have those large companies covered as well, and to extend the list of prohibited trading practices. If adopted, those amendments would considerably reduce the scope for practices that can benefit both parties and limit freedom of contracts. This will not benefit farmers.	EuroCommerce (2018, September 17)
74	Extending protection to large manufacturers, and covering service providers that do not buy or sell food products, will have a number of unintended consequences”. It also expressed concerns that this extension to big multinationals “raises	EuroCommerce (2018, September 17)

	fundamental questions of its compatibility with the legal base”, as an agriculture legal base needs to demonstrate a benefit to farmers.	
75	Our sector is also characterized by high costs and low margins. The rapid growth of online sales is squeezing those low margins even further. Retailers are making huge investments to stay relevant in this digital age: new infrastructure and technology, new services, new business models. (...) Handing more profit to large multinational suppliers in this directive will intensify these pressures and further exacerbate risks in terms of employment.	EuroCommerce (2018, September 17)
76	UTPs directive – from balanced proposal to witch hunt?	EuroCommerce (2018, October 1)
77	The Commission put forward a proposal aimed at protecting farmers and SME processors. In the course of parliamentary discussions, driven by slogans such as ‘Fairness for all’, the directive as amended protects big food multinationals, and the debate has turned into a targeted and direct attack on legitimate negotiations between retailers and suppliers	EuroCommerce (2018, October 1)
78	By imposing more restrictions on retailers and their ability to provide services, it will make it more difficult for retailers to negotiate the better prices they pass on to consumers, in particular when negotiating with large suppliers. Farmers will gain nothing from legislation allowing large multinational brands to impose higher prices on retailers and consumers. As the Chief Economist of DG Competition told the committee last week, a large multinational getting a higher price for an ice cream will not feed back to the milk farmer, and the milk may not even be sourced in the EU.	EuroCommerce (2018, October 1)
79	As voted today, the directive will end up making the strongest players in the market even stronger and the weaker players - farmers, SMEs, and consumers - even weaker. A witch hunt against retail and wholesale to line the pockets of multinational	EuroCommerce (2018, October 1)

	shareholders and do nothing for farmers is surely not what this directive should be about.	
80	There has been a lot of – often emotive – language and pressure from a number of players on MEPs to adopt amendments which are no doubt driven by a legitimate wish to help farmers, but will instead make already powerful food multinationals even stronger. Retailers and wholesalers stand for, and have a direct interest in, fair trading practices in a free market economy. This is why we ask the rapporteur, Commission and Council to negotiate a balanced final outcome, which respects its agriculture legal basis, delivering benefit to farmers, and reflects the objectives and spirit of the original Commission proposal	EuroCommerce (2018, October 25)
81	The Parliament mandate, as adopted today prohibits 58 practices by buyers, and none by large sellers, leaving retailers and consumers defenseless against unfair treatment by multinational manufacturers. Many of these changes have been pushed for by global brand manufacturers with the aim simply of increasing their returns to shareholders. This is not about fairness, and we call on negotiators to make sure that the final text adopted brings positive results for consumers, SMEs, farmers, and European jobs.	EuroCommerce (2018, October 25)
82	We are the sector who will be very directly affected by a measure which gives wide-ranging rights to suppliers, and none to buyers. The only way to avoid the unforeseen consequences of these ideas creating massive damage to the supply chain is either to stick closely to the Commission proposal, particularly on scope, or submit these new ideas to a proper assessment of their impact. All EU institutions have signed up to this principle under the Inter-Institutional Agreement on better regulation.	EuroCommerce (2018, November 30)
83	Retailers and wholesalers are very concerned that, in the rush to reach compromises on the over 140 amendments put forward by the Parliament, the EU does not end up with a directive which puts farmers and SME suppliers at a massive disadvantage to large	EuroCommerce (2018, November 30)

	manufacturers, endangers small shops and kills off competition, costing European families billions on their food bills.	
84	Generally, the more elaborate the list of practices prohibited, and more vaguely-worded they are, the less likely it is that shops struggling on the margin of profitability will be able to deal with them.	EuroCommerce (2018, November 30)
85	We have absolutely no interest in seeing the many small suppliers, with whom retailers put considerable effort into building a mutually beneficial relationship, being harmed. We are worried to see a proposal aimed at helping farmers being hijacked by large manufacturers to boost their already large profits. Resolution of the outstanding issues in the proposal must be on the basis of a careful and considered approach which takes full account of the interests of farmers, the 29 million Europeans directly employed by our sector – and the 500 million consumers they serve every day	EuroCommerce (2018, November 30)
86	Headlong rush on UTP directive is jettisoning EU principles - and won't help any farmer	EuroCommerce (2018, December 11)
87	Political gesturing, just to be seen to do something, is bad law, especially when there has been no time to assess the impact of what is being proposed. That is why we believe that everyone would be best served by keeping to the Commission proposal.	EuroCommerce (2018, December 11)
88	This argument forgets that the legal base of the proposal is aimed at helping farmers, not powerful national (and multinational) manufacturers, and extending it in this way risks the directive being challenged in court. The SME threshold of 250 employees and 50 million euros turnover covers almost any farmer in Europe – those arguing for more need to explain whom they are seeking to protect.	EuroCommerce (2018, December 11)
89	It is surely time for negotiators to remember some fundamental EU principles: subsidiarity, proportionality, proper assessment of the impact of legislation; and respect of the Treaty	EuroCommerce (2018, December 11)

90	<p>“We are told that in order to protect family farms, the Council is proposing to extend the scope of this directive to cover mid-sized food manufacturers. The figures being discussed no longer bear any relationship with the interests of farmers. How many family farms have a turnover of 300 million euros? This is a power grab to regulate transactions involving already very profitable manufacturers, with not even a cursory effort to judge its legality or its impact on the rest of the economy, not least consumers</p>	EuroCommerce (2018, December 18)
91	<p>Combined with proposals to impose heavy regulation on SME buyers, this adds up to a discriminatory skewing of the market in favour of manufacturers, who already enjoy much higher margins than retailers, and is thus a further breach of basic EU principles of equality before the law. More importantly, these changes bring no benefit to farmers, where regulating a highly processed product will have no feedthrough to the prices farmers are paid.</p>	EuroCommerce (2018, December 18)
92	<p>The negotiations are no longer about farmers, and instead about strengthening the position of manufacturers who have no obligation to pass on any of the benefit to farmers. Indeed, the directive would cover, for example a chocolate bar with almost no ingredients sourced in the EU, yet we are told that this will help European farmers. The directive as amended is discriminatory, bad law, goes far beyond its legal base, and, as such, is legally challengeable</p>	EuroCommerce (2018, December 18)
93	<p>UTPs – a great Christmas present for food manufacturers, doubtful benefit to farmers, and consumers footing the bill</p>	EuroCommerce (2018, December 19)
94	<p>In countries like Ireland, Belgium, and Sweden, the upper limit of 350 million now agreed covers almost all manufacturers. This means all retailers, including small shops, will come under more pressure, from manufacturers who will be able to impose higher prices. These amendments fly in the face of the Commission’s own impact assessment of the harm that extending the scope beyond farmers and small suppliers would do. They also ignore</p>	EuroCommerce (2018, December 19)

	entirely the concerns expressed by BEUC on behalf of consumers.	
95	We will need to study closely the final text, but the addition of 8 further prohibitions – bringing the total up to 16 – is an unprecedented intervention in the free market. It gives additional power to manufacturers, and no rights to retailers or wholesalers. This is an odd interpretation of fairness.	EuroCommerce (2018, December 19)
96	“This was supposed to be a directive to protect farmers. All the changes to the text have more to do with negotiations between food manufacturers and retailers. What has this got to do with farmers? How will it guarantee them fairer prices for what they produce?”	EuroCommerce (2018, December 19)

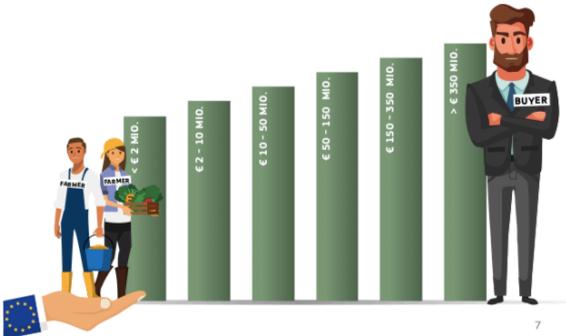
Annex 4: Frame elements European Commission

1	<p>Agriculture and rural development Commissioner Phil Hogan said: "Farmers are the first link in the chain and without them, there would not be food to process, sell and consume. However, we notice that they often remain the weakest link. It is to address the shortcomings in the food supply chain that we are leading the way to act, in accordance with the Commission's longstanding position to stand by European farmers. I encourage all EU citizens, farmers, stakeholders to share their views with us through this online consultation.</p>	European Commission (2017, August 16)
2	<p>In Europe we still treasure the family farm model and all it represents for our rural areas. The European Commission wants this principle to continue, distinguishing ourselves from other global players where a small number of large-scale operators dominate the agri-food sector.</p>	European Commission (2017, October 6)
3	<p>This is where the Commission's work on the food chain comes in. As someone who grew up on a small family farm, I understand that the bottom line comes first. If farmers don't get a fair price for their work – if they can't make a decent living – then we have a real problem. The farmer's share of what EU consumers spend on food is being continuously squeezed, due to the clear imbalance of power between producers and other links of the food supply chain.</p>	European Commission (2017, October 6)
4	<p>Concretely, supermarkets in particular now enjoy "superpower" due to the twin effect of increased globalisation and a high level of concentration within Europe. This gives them disproportionate leverage over primary producers.</p>	European Commission (2017, October 6)
5	<p>Existing mechanisms such as the EU Supply Chain Initiative are not perceived by farmers to have any real</p>	European Commission (2017, October 6)

	teeth as they are voluntary, and lack serious consequences for retailers engaging in Unfair Trading Practices.	
6	And our consumers can only be guaranteed a reliable food supply if farmers are guaranteed a reliable income and a fair share of the pie.	European Commission (2017, October 6)
7	A clear majority of Member States which is in favour of an EU approach, as is a majority of farmers, processors and NGOs. In fact – and I'm sure this will not shock you – the only stakeholder group in favour of keeping the status quo is retailers.	European Commission (2017, October 6)
8	 <p>04:40 - 6 okt. 2017</p>	EUAgri. (2017, Oktober 6)
8	Smaller operators in the food supply chain are more prone to face unfair trading practices (UTPs) due to their, in general, weak bargaining power in comparison to the large operators in the chain. Agricultural producers are particularly vulnerable to UTPs as they often lack bargaining power that would match that of their downstream partners that buy their products. This is because alternatives for getting their products to consumers are limited	European Commission (2018)

9	When occurring, UTPs can put operators' profits and margins under pressure, which can result in a misallocation of resources and even drive otherwise viable and competitive players out of business.	European Commission (2018)
10	In an agricultural policy environment that has become distinctly more market oriented, the good governance of the food supply chain has become more important for operators, in particular for agricultural producers.	European Commission (2018)
11	In some cases UTPs affect weaker producers, such as agricultural producers, even if they are not directly exposed to them, if UTP-induced costs are passed back along the food supply chain to the weakest link which is often the farmer. The negative effect of a UTP that occurs downstream, for instance between a retailer and a processor, thus can cascade backward in the chain to ultimately reach farmers.	European Commission (2018)
12	As there are often significant differences in bargaining power between the different operators in the food supply chain, that still leads to situations where the weakest link, more often than not the agricultural producers, is being put in a vulnerable situation and subject to undue economic pressure.	European Commission (2018b, April 12)
13	Prohibiting the use of the UTPs identified as the most damaging for farmers and small and medium- sized suppliers in the food industry will increase trust within the supply chain, as well as compensating for the relative lack of bargaining power that these smaller operators have compared to their larger buyers	European Commission (2018b, April 12)
14	Agriculture and rural development Commissioner Phil Hogan said: "Any chain is only as strong as its weakest link. An efficient and effective food supply chain is a fair one. Today's proposal is fundamentally about fairness – about giving voice to the voiceless - for those who, through no	European Commission (2018b, April 12)

	<p>fault of their own, find themselves the victims of a weak bargaining position. Today's initiative to ban unfair trading practices is about strengthening the position of producers and SMEs in the food supply chain. The initiative is equally about providing strong and effective enforcement. We are looking to eliminate the "fear factor" in the food supply chain, through a confidential complaints procedure."</p>	
15	<p>Attending the final negotiating meeting with the European Parliament and Council representatives, Phil Hogan, Commissioner for Agriculture and Rural Development, said: "Today's agreement paves the way for a first-time EU law which provides significant protection for all EU farmers, their organisations as well as small and mid-range businesses. They will now be protected against all bigger operators acting unfairly and outside the rules. I would like to express my appreciation to all the negotiators, whose constructive approach and hard work ensured today's political agreement. I am particularly pleased that the agreement was achieved within a remarkably short eight months of the proposal's presentation by the Commission."</p>	<p>European Commission. (2018, December 19-d)</p>
16	<p>In the words of Commissioner Phil Hogan "A truly well-functioning food supply chain is only as strong as its weakest link, and for too many years, the weakest link has been the farmer. In December, we reached a historic breakthrough when the three EU institutions for the very first time agreed on binding rules to outlaw certain unfair trading practices. We have demonstrated clearly to our farmers and citizens the added value of doing things at European level, and how well the EU institutions can function when they work together with a clear goal in mind. The proposal will provide significant protection for all EU farmers, their organisations and small and mid-range food</p>	<p>Copa-Cogeca (2019, January 28)</p>

	<p>businesses. They will be protected against bigger operators acting unfairly and outside the rules.”</p>	
<p>17</p>	<p>Following today's vote in the plenary session of the Parliament in Strasbourg, Phil Hogan, Commissioner for Agriculture and Rural Development, said: “Today's vote is fundamentally about fairness for farmers in the food supply chain. The Commission tabled this proposal in April 2018 to ensure that farmers are treated fairly by parties throughout the food supply chain, and to provide this minimum protection all across the EU. This law is one of the key proposals of the Agricultural Markets Taskforce. Today's vote demonstrates our ability to deliver for EU citizens.</p>	<p>European Commission (March 12, 2019)</p>
<p>18</p>	<p>The protection of farmers is at the heart of the Common Agricultural Policy. Each day, our farmers produce high-quality and safe food for 500 million European citizens. Farmers should be treated fairly and get a fair share of the price which the European citizens pay for food. In order to produce food of the high quality standards European consumers expect, farmers need to be able to rely on conditions of fair and effective competition.</p>	<p>European Commission (2019)</p>
<p>19</p>	 <p>The infographic shows a bar chart with six bars representing turnover ranges in million euros (MID):</p> <ul style="list-style-type: none"> < 2 MID € 2 - 10 MID € 10 - 50 MID € 50 - 150 MID € 150 - 350 MID > € 350 MID <p>Illustrations include a farmer, a farmer with a basket, and a buyer. A hand holding a European flag is also present.</p>	<p>European Commission (2018c, April 12)</p>

<p>20</p>	 <p>a buyer? rganisation, operatives buy from r: members eg, wholesaler r retail orities s outside 5</p>	<p>European Commission (2018c, April 12)</p>
<p>21</p>	 <p>12</p>	<p>European Commission (2018c, April 12)</p>