



**Special Working group meeting OF THE ADVISORY GROUP ON THE FOOD CHAIN AND
ANIMAL AND PLANT HEALTH**

**First technical meeting on the “Code of Conduct on responsible business and
marketing practices”**

11 DECEMBER 2020

Summary Record

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A first technical meeting on the Code of Conduct for responsible business and marketing practices was held on 11 December 2020. A total of 121 different stakeholder organisations, mainly EU food-related associations, as well as NGO’s were invited, of which 128 participants attended the meeting. COM explained the objective of the Code of Conduct and provided information on its process. Participants were asked questions on both process and substance. Overall there is wide support to the Code by all stakeholders, upon condition it is underpinned by proper independent monitoring, that it addresses all issues raised by stakeholders. Changing the food environment and the role of retail and food services were highlighted as key to change consumer behavior towards uptake of healthier diets. All stakeholder comments are collected and being examined, so as to provide input for the second technical meeting.

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1. WELCOME AND OPENING BY MRS. NATHALIE CHAZE, DIRECTOR, SANTE D, FOOD SUSTAINABILITY, INTERNATIONAL RELATIONS

SANTE Director, Nathalie Chaze (food sustainability and international relations) opened the virtual meeting and welcomed the participants. She presented the agenda, highlighting the need for this meeting because of the urgency to start working on the Code of Conduct (CoC). It is the first deliverable of the Farm to Fork Strategy and should be ready by end Q2 2021. It also follows the numerous questions on this topic received at the Plenary meeting of the Advisory Group from 23 November last.

The Chair informed that apart from the Invitees for the Plenary meeting, additional stakeholders were invited from the special working group on the Farm to Fork in June this year, as well as other stakeholders that have informed the Commission of being interested in the work on the Code. (a total of 121 organisations). The purpose of the meeting was to collect first-hand information on how the organisations see the development of the Code of Conduct both in terms of content as on process. The meeting is hosted by

the AG, but the work on the Code is collective work by colleagues from DG GROW, DG ENV and DG SANTE. Of course other DGs are involved as well, such as DG AGRI, DG TRADE etc.

Chair indicated that further outreach will happen in subsequent meetings. She explained that the development of the Code will be done together with the stakeholders. Chair referred to the questions that were circulated with the agenda in advance of the meeting and that replies would be collected both by SLIDO and via the chat in Webex at the meeting. Chair highlighted that 11 organisations had been invited to share their views during a tour de table (agenda point 3), but that all participants could share their views in the chat. Chair invited all participants to use the chat function, written submissions could be sent to both functional mailboxes from DG GROW and DG SANTE by 11 January 2021. Chair assured participants that their voice will be heard.

2. Outline of the Code of Conduct concept note

Stefano Soro (Head of Unit, DG GROW) explained that the process to this CoC is a collaborative exercise. It should be clear that we design together with stakeholders, we look forward to all constructive comments and see this as an opportunity to work on common goals: a more sustainable food system from environmental, social and economic points of view. We want to pursue this exercise with peers and other stakeholders in a transparent way. The initiative has the highest political support in the Commission. The Code is the main F2F action, it provides for the right place to demonstrate the goals of the Green Deal. He again emphasised that it is one of the first deliverables of F2F, by end June 2021, this is extremely ambitious, but many companies and associations are already taking actions. Hence this forum is the right place to exchange and align our parts to sustainability. Many operators are hit by the crisis, in particular SME, linked to food services and suppliers. The Commission is very well aware hereof. We will factor this in, but yet we cannot be allowed to derail to the sustainability transition. We need to avoid a bigger crisis on food production that has been already impacted by climate change. COM will support policies that are impacted, new and innovative financial instruments will be rolled out, COM designs new incentives, including on visibility. It is essential to have credible commitments and therefore, we design a monitoring framework, as "we treasure we can measure." This is a cornerstone.

In January, COM will organise a meeting with an extended range of companies. COM counts on participants to make this a beneficial exercise.

Alexandra Nikolakopoulou, Head of Unit, DG SANTE, further elaborated on the different dimensions that the Code should address.

She pointed to the challenges of the EU food system so as to ensure we have healthy diet for citizens, fight the growing numbers that suffer from malnutrition and lack of food; in EU half of adult population is overweight, and suffers from diet related diseases. The element of environmental sustainability- to reduce greenhouse gas emissions, the food sector is responsible for 10% of GHG, 20% of food is wasted. Only if there will be economic sustainability, farmers, fishers and primary producers can have a fair income; over 90% of actors are SME businesses and we need to create opportunities for them.

The retail and hospitality sector drive the consumer demand and influence the choice of their suppliers and other actors. The CoC should contribute to this part of the change, and encourage stakeholders to improve their internal processes to reduce environmental footprint.

The CoC should contribute to the 3 dimensions (quality of life; new, sustainable business and affordable food) within the green recovery. She reiterated that COM will also incentivise third countries to follow the EU sustainable food system approach.

3. Key stakeholders initial statements

FoodDrinkEurope (Dirk Jacobs)

Welcomed the initiative to involve actors in the food chain in the transition towards more sustainable food systems. Recalled that the food industry has been working on sustainability for more than a decade and had success in reducing greenhouse gases, while increasing production value. However, they see that more is needed. FoodDrinkEurope has an internal roadmap to contribute to achieving more sustainable food systems (environmental, social and economic). Want to work together.

Key points for the code:

- Need a *structured dialogue* in public/private collaboration; concerted action needed with connection to the national level (including the discussion on infrastructure, support for innovation, engaging consumers).
- Need Commission to have *strong leadership*. Need them to act as a broker, that those willing to take part are duly supported, that no naming and shaming.
- Take into account *existing Codes*. Avoid duplication, overlap etc. take due account of principles of co- and selfregulation by the EU,
- Set *joint aspirations* for value chains and food systems: where do we want to go collectively?
- Develop *pan-EU science/evidence based metrics*: we need proper data, so we can see where collectively we can make the biggest impact.
- Consider the *consumer*: actions are contingent on market sentiment, consumer behaviour and acceptance. Recognise diversity of people's diets, cultural habits, food production and systems.
- Need to recognise the *barriers and market realities*. So this will help understand whether it is working.
- Set up a *support and reward scheme*, especially to help SMEs, during the pandemic and post-pandemic sustainable recovery.
- Need a *clear business case* that will make sure that the membership understands why they need to participate.
- Address all *sustainability pillars equally*.
- *Align with EU and national existing initiatives*. Ensure that companies are not stuck with lots of duplication, complicated reporting requirements etc.
- *Factor in past achievements*.

Eurocommerce (Els Bedert)

Welcomed the initiative, committed to working towards greater sustainability, but we need this to take into account past achievements.

Key points:

- Needs to be a *shared aspirational goal*. Involve all stakeholders in its development.
- Needs to build on *current practices*. For example, in labelling, the Code should showcase what actually has been done.
- Needs to acknowledge that *no one size fits all*. There needs to be freedom for individuality, flexibility.
- Needs *coherence*. Needs to also fit with all other initiatives within the EU, internationally and nationally. Including also with the consumer agenda. Don't repeat the same messages and realise that there are a lot of demands on the membership already.
- Their questions: Want to know more so that can manage expectation – for example, how it links to COVID? How much flexibility it gives etc.
- They are working on a portal with best practices on sustainability initiatives of their members. This should be available in Spring next year.

Independent Retail Europe (Else Groen)

Welcomed the initiative. Fully supports Eurocommerce's and FoodDrinkEurope's comments.

Key points:

- Need for a *cooperative approach*.
- The *objectives and expectations should be clear*.
- It needs to be *voluntary and bottom-up* (i.e. determined by the actors in the middle of the chain *as they know what they can voluntarily endorse*).
- They do not want a talking shop where no one can agree, the role of the Commission is to ensure a positive and constructive approach.
- Sustainability is a key objective and part of recovery, but it *also needs to contribute to economic sustainability* of the targeted sectors.
- The Code should set *aspirational targets to facilitate endorsement and allow for many different types of commitments by companies large and small*.
- The Code should take into account the market requirements and barriers related to *consumer acceptance*.
- *Any monitoring should not be burdensome* and not involve no red tape.
- Need to consider *the burden for actors of existing, new legislation* that remains to be implemented when agreeing on new aspirations.
- Also, *need to take into account the EU/worldwide initiatives*.
- *The Code should not disrupt what sustainability strategies companies already have*.
- *Companies should therefore be able to commit with their existing actions/strategies rather than start from scratch*.
- There needs to be *added value for the sectors participating in it and visibility*, need to work with national and EU policy makers (to support and reward the efforts, including *funding under the RRF*).

Hotrec (Marta Machado)

Priority at the moment is to survive the crisis. All actions that aim to help sustainability are positive, but need more time to consult their members.

Key points:

- *What is the incentive* that we give to our members to take part? Particularly if you want to get the micro-enterprises involved, as most of their members,
- *What is the link to national initiatives?*
- Need to move away from *targets and benchmarks*.
- Also need to be careful with *measurement*, as this may be a disincentive for micro-enterprises.
- Need support from the RRF and also, integrate the societal challenges facing the food system.
- Need *public-private partnerships*. These should involve national and EU partners.
- They do not have companies as members, so can the commitments come from national members?
- Need to bring *all stakeholders together* and all commitments need to be considered.

FoodServiceEurope (Cristina Freitas da Costa)

Welcome the initiative. Are trying to strike a balance between high quality and affordability. They have been committed to healthy and sustainable food. They play a unique and social role in society, and often have vulnerable clients.

Key points:

- Want a large sustainability definition (should cover social, economic etc. dimensions) and link to the broader EU strategy.
- Need coherence with national initiatives. This is particularly important because food service is very national and so there are very different markets across Europe. Therefore, the Code needs to define the overall ambition and aspirations that can then also be adapted to national circumstances.
- *Need to consider as well past initiatives alongside the upcoming ones*. Past initiatives include not only legislation that is in place, but also legislation that has been adopted at EU level but has not yet been fully implemented (e.g. Single Use Plastics). Also private initiatives that are ongoing but have been developed in the past should be valorised.
- The targeted actors may be *too narrow*. Need to consider that our services are provided under contracts with third party organizations (companies, schools, hospitals, etc) and therefore, it might be useful to involve as well those outside the food supply chain that define the type of service that food service is providing.
- Need to recognise the impact of the crisis and translation into a realistic approach. Welcome the fact that green could be part of the recovery. However, need to consider the current reality, which is that quite a lot of economic activity has stopped during the year. It will have a long-standing effect on the sector. This includes the fact that teleworking is becoming even more prevalent and this means that contract catering companies need to adapt the way they provide their services. We should give the companies time and also, acknowledge that they need support in doing this. Might need to look into the effect of teleworking on the mental health of workers, etc. and the need for places to socialise in working life.

SME United (Kata Porganyi)

Note that SMEs are at the forefront of sustainability, but there are many who are not involved.

Key points:

- Welcome the SMEs perspective, but note that SMEs are concerned with survival now, rather than future commitments.
- Main barriers are lack of technical skills, lack of time and lack of knowledge. Therefore, need to consider this.
- Want a balanced approach but consider that it should involve more than the middle of the chain actors.
- Need to respond to the needs of the smallest players and needs to be realistic so that they can be taken on board.
- Consider the interlinkages, state of maturity etc.
- Need financial incentives and other support measures that can assist the transformative change – i.e. guidelines, training, hands on tools.
- Example: since 2019 the BE Agri-food chain platform has brought together the BE food chain actors, which converted the SCI code into a Code of Practice. They have been committed to improving collaboration and believe it is a best practice.

COPA-COGECA (Bruno Menne)

Welcomed the initiative. Appreciate that it will include all actors in the food chain. However, they consider that it is still unclear what areas the Code of Conduct shall touch.

Key points:

- There are areas where farmers are already acting and national initiatives need to be considered. If we want to go further, this will increase the cost. Therefore, you need to provide the farmers with incentives to make changes and commitments.
- The concept of ethical behaviour should be at the foundation of the initiatives.
- The farmers and cooperatives are the weakest link in the chain, so the rest of the chain should support the cost of the initiatives.
- If this is a voluntary commitment, then the Code should stay voluntary and should not lead to further legislative initiatives as there is already a lot proposed as part of Farm to Fork.
- Developing a Code in six months is too short.

Young farmers (Jannes Maes)

Welcome the collective effort, but consider the need to share the risk throughout the food chain.

Key points:

- Need an enabling framework to make it work to match the ambitions.
- Need bargaining power – need the chain to be stronger, especially the farmers and the processors who are the weakest link.
- Need information – it needs to go up the stream, but also downstream (i.e. farmers need consumer information, market needs etc.).

- Need open competition and need farmers not to be trapped/locked in one relationship/stream.

BEUC (Monique Goyens)

See opportunities in this Code of Conduct (normally quite critical of self-regulation) as consider that it is an emergency and so we need to act quickly. There is no time to wait for legislation to become effective.

Key points:

- Their expectations – they want ambitious and measurable impacts.
- There needs to be a good timeline and monitoring commitments. Welcome the six months timeline.
- Every business operator should concentrate on their key operations, their role (e. g. no commitments on lifestyles).
- Need to make the sustainable option the easy option (availability, affordability, visibility),
- For the food industry, there is added value in reformulation of food but also, they should revisit their marketing and advertising practices, so that unhealthy food is not offered/targeted to children.
- The retail sector can do more in terms of nudging towards healthier options and should not promote less sustainable foods. They can support more sustainable suppliers and could source organic food more prominently, including sustainable seafood.
- Need to restrict marketing of unhealthy food.
- Food service can offer more healthy plant based offers and smaller portion size.
- Overall, we need to change the way that food is offered to consumers.
- Code of Conduct no substitute for regulation in areas where self-regulation does not deliver.

WWF (Marina Beermann)

Welcomed the initiative, but consider that it needs to link to the existing international frameworks.

Key points:

- One dimension could be a worst case scenario if this was a paper tiger (so it needs to be linked to daily practices, sourcing practices etc.). Therefore, there needs to be few pre-conditions to participation and there needs to be consequences for non-compliance.
- Putting the Code as part of a wider initiative could be beneficial, so that people see its visibility and that it actually should inspire change.
- Need for SMART goal definition, based on high level science-based target setting
- Need to consider the possible range of the Code of Conduct (from worst to best case scenario) – i.e. a high-level mission statement with a focus on the SDGs on the food industry, linked to labelling and then could also imagine a Code of Conduct with more ambitious, science-based target setting, monitoring of the progress, equivalent parameters within sourcing practices.
- The Code need to be become part of a binding part of contracts and negotiation if it shall not be “a paper tiger only”.
- Key factors for change need to involve buying departments – in particular looking at what are the incentives for them, the need to enhance procurement

policies, need sustainability to occupy an equivalent provision to price and quality.

- If we want to push sustainable supply management one precondition is there needs to be transparency about the supply chain, the suppliers and, their performance etc. A supplier relationship that is based on a longterm perspective, on capacity building instead of volatile and a constantly changing supplier basis and contracts. Transformation always begins in our heads, so we need to change the culture in companies. Need one planet thinking and link it to planetary boundaries –need to consider the link to resilient ecosystems. Some inspiration can come from EDEKA (<https://www.wwf.de/zusammenarbeit-mit-unternehmen/edeka>) etc. where there is a focus on biodiversity, water management etc. so change is possible.

European Public Health Alliance (Nikolai Pushkarev)

Codes should not be over-relied on, rather there should be rules that everyone can use.

Key points:

- Voluntary commitments – including the EU diet and health platform, there are lessons to be learned. These commitments need to relate to core business, need to be verifiable and clear (not vague), based on an analysis of likelihood that this will deliver, need to have monitoring and evaluation.
- Need to have a summary and classification of commitments.
- Good monitoring is costly but it needs to be independent. It might need to be funded by the signatories to the Code, who pay into a fund that then uses an independent contractor to evaluate rather than using public funds.
- Some activities may work (e.g. promotional activities, removing unhealthy food from checkouts (it is effective and it is easy to do). Also, consider how meat and meat products are promoted.
- There are existing initiatives – e.g. from the UK that could give inspiration. Other examples: Australia Healthy Stores 2020, UK Eating Better
- There is potential in the Code, we need to get it right. There are hurdles in voluntary commitments – needs to be designed to have a health impact, but we do need to reinvent how we do voluntary commitment exercises so that they are achievable with the right level of ambition.
- The Code should complement regulatory actions,
- Need for well-defined more complex commitments; otherwise, it is difficult to understand how they work.
- Focus should be on changing the food environment not on changing people's lifestyles.

4. Round of questions

Chair hosts first set of comments by the participants.

FAO (Kelly Siobhan)

Key points:

- Considers that the initiative has good links to the UN Food Systems Summit and their actions tracks (e.g. access to safe and nutritious food, sustainable production patterns, equitable livelihoods and building resilience.).
- The need is to leverage existing Codes including the OECD responsible agriculture supply chains, voluntary code for food loss and waste, voluntary code for food systems and nutrition. Therefore, these Codes need to be used but also the process learning, should also be transferred.
- Support the comments from SME United and these also, show that SMEs require support if we want them to play a transformational role.
- The Code needs to reflect on how to motivate actors to adopt the Code.
- Need to build the capacity of consumer associations, so that they can be used to promote and support the implementation of the code, so that they can act as a go-between food producers and consumers and also, working with government to motivate the change (i.e. also to motivate the food manufacturers to adopt the code).

Q&A:

World Benchmarking Alliance: Asked about the interplay on how healthy diets interact with other players in the chain, and asked what experience companies have to comply with the commitments?

COM clarified that the Code is no substitution to the foreseen regulatory actions, it complements it. On top of harvesting existing experiences, we do not want to create overlaps, and we want to act consistently with existing initiatives.

5. Participatory discussion

In the second part of the meeting, the participants were asked to reply to the following questions:

1/ Via SLIDO:

Question: How do you see the potential of this Code of Conduct to contribute to a more sustainable food system?

Reply in word cloud: fairness, pragmatic, partnership, realistic, uncertain, climate neutrality

Question: What are the prerequisites to make the initiative a success?

Reply in word cloud: science-based, relevance of commitments, monitoring

2/ Via chatfunction in WEBEX

Question 1a: Which commitments should be included in the Code of Conduct to address the core objectives to stimulate the uptake of healthier and sustainable consumption patterns

Interventions:

- **IFOAM:** Need for communication to consumers, so that they can see what companies are doing on sustainable performance. Need the prices to reflect the costs that the product has (e.g. on the environment).
- **SDSN: Sustainable Development Solutions Network.** Need for healthy food portfolios, so that these can contribute through initiatives such as marketing strategies, reducing animal-based protein, no unhealthy food marketing for children, including no availability in schools.
- **UNESDA:** Reformulation of products is a key area, need to consider what has been done before, but need to have a full shopping basket approach. Need to concentrate on everything, not just soft drinks. UNESDA already made several commitments and continue working on this.
- **Global Nature:** Need to concentrate on biodiversity. There needs to be full addressing of this issue, such as looking at the whole negative effect of lack of biodiversity (incl. criteria on impact), need to inform consumers more about the value of biodiversity, need better food labels and standards to help consumers choose the right products. Need true cost of food.

Question 1b: Which commitments should be included in the Code of Conduct to address the core objectives to further improvement of internal processes, operations and organisation in food processing, retail and food service

Interventions:

- **OECD:** Need to consider the due diligence framework. This is also linked to ILO perspectives. It is also used by companies. Need to build on what is working and then this can further improve internal workings, such as the risk assessment that is already used in companies. Need countries to be clearly involved, including on the monitoring aspect. It will be difficult to understand what data is needed, without overburdening the companies. Need to start with something and then move progressively. Need something workable and practical.
- **EHN: European Heart Network:** Prepared a paper in 2017 to help cardiovascular health, which they hope can be used as input. No ambiguity in the commitments and need independent science based monitoring. Consider Codes of Conduct are the lowest common denominator and consider legislation is more powerful.

Question 1c: Which commitments should be included in the Code of Conduct to address the core objectives to facilitate the uptake of sustainable practices by all relevant actors in the food system

Interventions:

- **COCERAL:** If we want to enable the supply chain involved, we need a long-term approach. It needs to be predictable and have a long-term framework. This will help form alliances with third countries. Need to have things in proper time.
- **COPA-COGECA:** The objectives are ambitious, so need to equip farmers with the proper tools to achieve this. It will offer new opportunities but want to understand how new technologies and scientific discoveries may help, e.g. how this could help with new breeding techniques.
- **Young farmers:** Need to consider the diversity of what each actor can do. Everyone needs to contribute, but the actual actions will differ from party to party. Need the commitments to fit with market signals rather than just follow ideological commitments.

Question 2: Which of the commitments discussed are most important for you to achieve a tangible impact on transforming the food system?

Interventions:

- **EUROCOOP:** “Healthier diets” is the most important aspect, this will show that supply chain relationships are the most efficient. However, this is the end goal and hence the Code needs to work backwards. Also, in particular, need to consider the consumer (e.g. food waste) and need to target them and creating the overall food environment. For example, it is cheap to eat junk food, but expensive to eat healthy food. Therefore, need to shift the environment.
- **FoodDrinkEurope:** We need to work on the three commitments together. Need to value the individual approaches but also coordinate better. Therefore, on top of the individual commitments, there needs to be a place where discussion could happen in one area (e.g. have a deeper discussion on key topics like climate neutrality). This would enable the sharing of studies etc. from all the different perspectives (e.g. national, retailer, producers, farmers) so that this actually coordinate the sustainability intention in which these studies were commissioned. FoodDrinkEurope carries out study on climate neutrality and expect the study to say what each actor can do.
- **CLITRAVI:** Need to build on what the frontrunners are working on. Many companies are working on initiatives to cut salts and saturated fats and this should continue. In addition, they are exploring campaigns on mindful consumption – e.g. that meat can be safely consumed as part of a healthy diet, but include the reminder that over-consumption is not something compatible with healthy diets. There should be a good link to animal welfare and veterinary prevention initiatives, as well as on sustainable packaging. The circular economy, packaging incentives etc. also need to be developed (e.g. through an EU pledge). The efforts need to be supported by the ‘additional ingredients’ like mentioned by FoodDrinkEurope. Also solutions for livestock should be found in that sector and not elsewhere. Hope that the debate will be less divisive.
- **SDSN:** Support a holistic approach that includes four pillars. Their four pillars complement the objectives included in the Code ideas, but also need to have good corporate citizenship. This means that there needs to be a real cooperation with the companies, so that they are really committed, they need to be good role models, have responsible lobbying practices etc.

Q3: What are existing best practices in your area of work that can be an added value to the Code?

- **UNESDA:** Achieved sugar reduction more than the EU goal. Have already since 2006 a no-advertise policy to children, do not sell to primary schools and only sell low and no calorie drinks in secondary schools in unbranded vending machines.
- **WFA:** Made a number of commitments and ready to strengthen their commitments within the framework of the Code. Need to nudge consumers to more sustainable choices.
- **BEUC:** Need to go beyond what is being done at the moment for the sake of the Code's credibility. Calls for coherence and ambition.

6. Conclusion and next steps

COM explained the next steps:

- Thanked all participants for the constructive discussion and emphasised again COM willingness for this exercise to be participatory
- Will consider all the comments in the chat for the next step. A list and categorisation of all chat messages is included in the attached file.
- Will explain the 'how' in January at the next technical meeting, date to be confirmed, next meeting will allow for smaller working groups to allow more thorough discussion between stakeholders,
- Recall participants that on top of what they communicated today they can submit position papers by 11 January to the two functional mailboxes (GROW CODE OF CONDUCT – FOOD, GROW-CODE-OF-CONDUCT-FOOD@ec.europa.eu ; SANTE Advisory Group SANTE-Advisory-Group@ec.europa.eu).
- There shall be a high-level event with Commissioners beginning of next year and CEOs/Presidents are invited to participate.
- Replies to some questions will be addressed at the next meeting.

COM thanked all participants for the constructive first discussion and looks forward to further work in the months to come.

END