

**Board**  
**16 June 2021, 13.00-15.00**  
**MS Teams meeting**

**Participants**

<b>Company</b>	<b>First name</b>	<b>Name</b>	<b>Participation</b>
ALPRO	Steve	GELDERS	Present
BEL BELGIUM	Thierry	DE PROOST	Present
BIC	Henri	NICOLAU-GUILLAUMET	Excused
BISCUITERIE JULES DESTROOPER	Ives	DEPOORTERE	Present
BOLTON	Francesco	RIZZATO	Present
CHARLIER-BRABO GROUP	Bart	VANGRAMBEREN	Present
COCA-COLA EUROPEAN PARTNERS	An	VERMEULEN	Excused
DANONE	Nathalie	PFAFF	Excused
FRIESLAND CAMPINA	Jeroen	VAN DE BROEK	Excused
GB FOODS BELGIUM	Davy	DE VLIAGER	Present
HENKEL	Ivan	DE JONGHE	Present
IGLO	Philipp	KLUCK	Excused
L OREAL	Amaury	ALIBAUX	Excused
MARS	Pierre	CAME	Excused
MELITTA	Jos	MEULENBROEK	Excused
MONDELEZ	Hafed	KHADARI	Present
NESTLE	Michel	MERSCH	Present
PALM	Sven	STUER	Excused
PEPSICO	Wim	DESTOOP	Excused
PIETERCIL DELBY S	Katrien	BOUSSON	Excused
SAVENCIA FROMAGE & DAIRY BENELUX	Nicolas	GRUENER	Present
SCHWEPPES SUNTORY BENELUX	Frank	CEULEMANS	Excused
SPADEL	Bart	PEETERS	Excused
UNILEVER	Silvia	WIESNER	Present
NORTON ROSE FULBRIGHT LLP	Wilko	VAN WEERT	Present
BABM	Walter	GELENS	Present
BABM	Katrijn	ROELAND	Present

## Report

Agenda item	Decision
<b>Welcome and antitrust caution</b>	<p>President Ives Depoortere reads the antitrust caution and draws the participants' attention to the BABM meeting guidelines. Both antitrust caution and meeting guidelines (see <a href="#">annex 1</a>) have been distributed to all participants. It is very important that members understand and abide with the antitrust recommendations during their discussions.</p> <p>External legal counsel Wilko van Weert, Norton Rose Fulbright LLP, is present in the meeting to provide guidance and ensure compliance.</p>
	For an introduction to the topics discussed below, see presentation in <a href="#">annex 2</a> .
<b>1 AIM strategy 21-25 &amp; legal approach European Retail Alliances</b>	<p>Michelle Gibbons, CEO of AIM, the European Brands Association, presents the strategic framework 2021-2025. The strategy was approved by the AIM Board in March and takes into account the input received from a member survey. Sustainability is at the core of everything AIM does, both from an economic and ecologic perspective. There is even more focus on the protection and level playing field for brands in the digital world vs the previous plan. Furthermore, fair trading principles and IP protection remain important pillars of AIM's work.</p> <p>One of the key principles for AIM to protect brands is 'fairness for all'. Fair business practices should apply to all players in the chain, and they can concern B2B trading practices, the dual role of the retailers as client and competitor, market concentration and European Retail Alliances.</p> <p>Michelle summarises the work that has been done on retail alliances since the Board of October 2019 decided to actively approach EU authorities.</p>
<b>2 Report 03/03/2021</b>	<p><u>Report on action points and approval</u> No remarks.</p> <p><b>Decision</b> The report is approved.</p>
<b>3 Impact of Covid-19 on branded CP business</b>	<ul style="list-style-type: none"> <li>• HR meeting 31/03: debrief BABM held a second meeting with members' HR directors on 31/03, where participants exchanged ideas and best practices on how to maintain employee motivation and engagement during the pandemic. We also reflected on what the future of work would look like and how companies would shape this new reality. The report of this meeting is available on the memberzone of our website. Members find these meetings very interesting and useful. We will plan another session after the summer to take stock of the implications of Covid on HR at that moment in time.</li> <li>• Meetings autumn: format In its meeting in March, the Board decided to maintain a digital format for all meetings until end of August. The Board now discusses if it can establish guidelines for BABM meetings as of September.</li> </ul>

	<p>Board members inform on their current company policies on external meetings and related health precautions, and come to the conclusion that it is too early to give general recommendations now for meetings scheduled in autumn.</p> <p><b>Decision</b> The Board recommends to check the covid situation and national guidelines in September before making a recommendation on BABM meeting formats. In any case, we should offer the possibility of hybrid meetings to accommodate those members not being able to attend physical meetings. Also, BABM will have to provide a hygiene protocol to members attending its meetings.</p> <p><b>To do</b> Secretariat to make assessment on meeting format in September. Secretariat to provide hygiene protocol for physical meetings.</p>
<p><b>4 Ensure a fair trading climate &amp; protect our brands and manufacturers</b></p>	<ul style="list-style-type: none"> <li>• Carrefour-Provera: decision BCA &amp; next steps The BCA in early May communicated its decision in the Carrefour-Provera case, in which they state that Carrefour’s new negotiating policy addresses the competition concerns as set out in the BCA’s questionnaire to suppliers. BABM regrets this decision, as it addresses only one aspect of the issues we see with the alliance (the exchange of information). The creation of Inderdis as a separate entity that serves as a Chinese wall will not change much in practice, in terms of processes and personnel. The BCA mentioned that a (small) majority of suppliers expressed satisfaction that the revised structure will address the competition concerns identified by the BCA, making it harder for us to challenge it. It is now up to suppliers to monitor if Carrefour complies with its own structure. Suppliers should also beware of any other negative effects on competition. To be able to report issues to the BCA, BABM will set up a regular tracker to identify situations where the Alliance is not complying with its own commitments and any anti-competitive effects from actions by the Alliance. Carrefour has been submitting its 2021 contracts to suppliers in a ‘take it or leave it’ approach, i.e. requesting to sign without modifications. In an email sent on 21/04, BABM has provided guidance on how to approach this. Members that encounter specific issues, are advised to mention them to Walter who acts as ombudsman.</li> <li>• BCA policy priorities 2021: approach BABM When publishing its policy priorities for 2021 in March, the BCA stated that suppliers are responsible for higher consumer prices in Belgium vs neighbouring countries, as they are for price increases during Covid.</li> </ul> <p><b>Decision</b> The Board thinks it is useful for BABM to meet with the BCA and explain again the trade relations between suppliers and their retail clients/competitors, and the way in which retailer strategy impacts consumer prices of both brands and PL. It would be good to meet the new president of the BCA once he or she is in function, but so far there has been no announcement on the successor for Jacques Steenbergen as president of the BCA, nor of general prosecutor Veronique Thirion for that matter.</p>

	<p><b>To do</b> Since the nomination process seems to be ongoing, BABM will request an appointment, as soon as the new President is announced.</p> <ul style="list-style-type: none"> <li>• Lidl margin claims: legal analysis Several members have mentioned that Lidl has sent invoices to compensate for lost margins. The reason Lidl gives, mostly in oral discussions, is that they align their prices to those of A. Heijn. Wilko explains that Lidl cannot make such requests if this is not part of a written agreement. Moreover, such a practice could be a breach of competition law on the part of the supplier and Lidl. It is indeed prohibited to cooperate with a scheme that allows customers to align their downstream prices (hub-and-spoke cartel). In a mail sent out to members on 10/06, BABM has advised members to always contest in writing (deductions from invoices are also not allowed and should also be objected to). If Lidl persists, suppliers may deter Lidl by mentioning that they will consult with the BCA about the legality of the request.</li> <li>• EU UTP Directive - transposition Belgium: update Walter provides an update on the BABM-Fevia-Agrofront approach regarding the UTP legislation to be transposed in Belgian law. In the chain consultation, there was limited consensus due to the refusal of Comeos to let go of the threshold for large companies, as mentioned in the European Directive. Our position as suppliers is that fairness should apply to all companies, no matter their size, and therefore we advocated for abolishing the threshold. Due to heavy lobbying by Comeos, it currently looks like the Belgian government will maintain the threshold, with a possible exception for agricultural cooperatives. The next step is the approval by the Council of Ministers. We are currently checking our legal options with Fevia and the Agrofront. It is unclear whether the threshold of 350mio in the proposal applies to the companies' turnover at Belgian or European level.</li> </ul> <p><i>Update:</i> Government plans are not consistent and may be discriminatory in their effect. The government proposed to replace the set of inter-related thresholds by a single threshold of EUR 350 mio, which undermines the single-market approach and would be contrary to EU legal obligations. There seems to be confusion, even within government circles whether the threshold refers to worldwide or Belgian turnover. Walter and Wilko, together with Fevia have worked with administrative law specialists at the law firm Lydian to challenge the proposal, which is now at the stage of the Conseil d'Etat and to get further clarification.</p> <p><b>To do</b> BABM to continue to follow and influence the process in the current and next phases of the legislative process, jointly with Fevia.</p>
5 Communication & stakeholder management	<ul style="list-style-type: none"> <li>• Contacts Nielsen &amp; IRI: update BABM recently contacted IRI Belgium and France to investigate whether IRI could make an entry in the Belgian market. Given the bad quality of Nielsen data and services and the absence of a challenger to its monopoly, another player would be a welcome alternative. IRI will make a proposal to bridge the current gap in HD data (Aldi, Lidl and Action). This file is managed in collaboration with the UBA panels workgroup, where both retailers and suppliers are represented.</li> </ul>

	<ul style="list-style-type: none"> <li>• SoMe: evaluation test Twitter &amp; recommendation roll-out</li> </ul> <p>Since the start of our increased efforts on LinkedIn in December, the BABM account has nearly doubled in followers. Particularly posts on BABM events and new members work well. This will be continued.</p> <p>At the request of the Direction Committee, we started a test on Twitter in May. We will invite our members to follow us on Twitter to create more interaction. We will also do a daily monitoring to gain more visibility on files that are important to us (UTP, cross-border shopping...).</p>
<p>6 Promote collaborative &amp; synergetic customer relations</p>	<ul style="list-style-type: none"> <li>• Commercial Committee: president &amp; independent advisor: proposed way forward</li> </ul> <p>Walter informs that, following the departure of Philip Tanghe as President of the Commercial Committee, no candidate successor was found within the group of SteerCo. We therefore launched a call for candidates at the Commercial Committee on 22/04 and received an application from Ivan Gallemaert, GB Foods. At its meeting on 27/05, the SteerCo unanimously accepted. Since then, Ivan has had 1-on-1 calls with SteerCo members to evaluate the current way of working and provide input for future activities and focal points. The summary of these sessions will be discussed by the SteerCo on 22/06.</p> <p>Given that we now have a President for the Commercial Committee, who will be the 'face' of the group, and admin support provided by the secretariat, the SteerCo feels there is no need for an independent advisor.</p> <p><b>Decision</b></p> <p>The Board approves the proposed setup and way of working of the Commercial Committee President, SteerCo and secretariat. It would be useful to invite Ivan to our next Board meeting to hear his vision and objectives for the commercial Committee.</p> <p><b>To do</b></p> <p>Walter to invite Ivan Gallemaert to the Board of 01/12.</p> <ul style="list-style-type: none"> <li>• Meeting calendar 2021: update</li> </ul> <p>Upcoming Commercial Committee meetings:  24 June: Peter Bossaert, Belgian Football Association (livestream from KV Mechelen)  16 Sept: Makro - Vincent Nolf  18 Nov: Carrefour – Cédric Ammann</p> <ul style="list-style-type: none"> <li>• Webinar 'Impact of covid on prices &amp; promos' 09/06: debrief</li> </ul> <p>During his presentation on 09/06, Dirk Vanderveken (Shopperware) gave an update on consumer prices in Belgium vs The Netherlands and France, as well as the impact of covid on promotions in Belgium. In 2021, prices for national brands are aligned between Belgium and the Netherlands, but the price gap for national brands with France increases to 23%. The HILLO strategy of the Ahold Delhaize group leads a strong increase of the volume sold under promotion. The full report is available on the memberzone of our website.</p> <ul style="list-style-type: none"> <li>• Retail network event 20/10: update</li> </ul> <p>This event, twice postponed due to covid, will now be combined with the General Assembly on 20/10.</p> <p>The theme is 'Let's reconnect' as we want it to be the first big network event for retailers and suppliers coming out of the pandemic. The event team of the Commercial SteerCo is developing the a covid-proof programme with HL event.</p>

<p>7 Inspire brands to innovate through new channels and experiences</p>	<ul style="list-style-type: none"> <li>• Coupon folder 2021: update &amp; next edition The current edition was launched in week 13, with 42 coupons/pages, an all-time high. It received positive reactions so far and global redemption figures are very good. The full evaluation including effectiveness study by GfK will be completed by August. Following requests by some members, we launched a call for participants for an extra edition in autumn, but did not receive enough replies to go ahead (we need a minimum of 20 pages).</li> <li>• E-com barometer 2021: waves &amp; workshop The January and March waves of the e-com barometer are available in the dashboard. The wave being prepared now is for June; the next one is in October. Following a suggestion from the e-com working group, we requested an offer from BeCommerce for data covering total e-com for Belgium, plus 6 categories. We will check the offer with workgroup leader Julie Dierickx (Unilever).</li> <li>• E-com webinar 21/03: debrief Next to Bol.com and CloudShops, we had a presentation by Free Your Time, the D2C multi-brand platform initiated by Nestlé. They are now discussing with 6 potential partners on the legal and compliance framework and NDAs will be signed shortly.</li> </ul>
<p>8 Create efficient &amp; future driven supply chains</p>	<ul style="list-style-type: none"> <li>• Supply Chain meeting 12/03: debrief Katrijn debriefs on the last meeting of the Supply Chain workgroup, where we had a presentation of CULT (Collaborative Urban Logistics and Transport). Since then, both Danone and JDE have joined this project. At the next meeting on 28/09, we will have Dirk D’Haeseleer, Supply Chain Director at Aldi, as guest speaker. At the request of the group, we conducted a benchmark survey for members on retail-supply relations in the supply chain. The survey got 46 responses (out of a total of 92 members). Aggregated results have been sent to the participants. The group will discuss possible follow-up by BABM in September.</li> <li>• GS1 Data Quality programme: update We had a call on 26/04 with BABM and suppliers to prepare the GS1 Board of 28/04. During the meeting, BABM and suppliers requested regular detailed updates on retailer onboarding to GDSN. For suppliers, it is important that GDSN is the sole platform for trusted data, before adding additional data to the data model. The new GS1 president is Wouter Schaekers, P&amp;G. Vice-presidents are Marc Henkens, Hubo and Vincent De Hertogh, Delhaize. In a 1-on-1 call with the new president, we provided following input from BABM: we need more retailers taking all data directly from GDSN and a better information flow and interaction between the GS1 Board and the working groups so that companies are aware of GS1 files at every level.</li> </ul> <p><b>Decision</b> The Board agrees to invite Wouter Schaekers to its meeting on 01/12 to present the GS1 strategy and priorities for the coming months.</p> <p><b>To do</b> Katrijn to invite Wouter Schaekers to the Board of 01/12.</p>

<p><b>9 Any other business</b></p>	<ul style="list-style-type: none"> <li>• Budget 20-21 and actuals: update Walter provides an update on the budget and actuals for this year (Sept 20-Aug 21). As usual, two opt-in initiatives for members are not included in the general budget: the retail network event (income transferred following postponement due to covid situation) and the coupon folder (decision on go-ahead is taken later in the year depending on member interest). Due to covid, meeting and event costs are lower than expected; some important expenses are not yet included, like legal and compliance costs.</li> <li>• New members &amp; prospects: update We have one new member, Dupont cheesemakers, a part of Milcobel. The total number of members is now 92.</li> </ul>
<p><b>10 Next meeting</b></p>	<p>1 December, 13.00-15.00 Meeting format TBC</p>

## To Do

	What	Who	When
1	Make assessment on BABM meeting format, taking into account current covid situation	BABM	Sept
2	Provide hygiene protocol for physical meetings	BABM	Sept
3	Invite Ivan Gallemaert to the Board of 01/12	Walter	OK done
4	Request appointment with new BCA President	BABM	Once announced
5	Continue to follow and influence the process in the current and next phases of the legislative process, jointly with Fevia	BABM	Ongoing
6	Invite Wouter Schaeckers to the Board of 01/12	Katrijn	OK done