

First workshop on the functioning and improvement of the SCI Conclusions

Purpose

On 30 September, the SCI governance group held a workshop that brought together 22 national representatives of the food chain (farmers¹, industry and retail), from eight countries: five from SCI-inspired dialogue platforms (Belgium, Czech Republic and Finland, Germany, and the Netherlands) and, three with regulatory schemes (France, Italy, Spain).

The purpose of the workshop was to help the SCI governance group address the Commission's recommendations and identify possible needs for improvement of the SCI. Participants focused on:

- fact-finding and exchanging information on latest developments at national level;
- undertaking a gap analysis;
- sharing best practice between national platforms and retail and manufacturer representatives.

Issues

The discussion focused on the key themes put forward by the Commission in its January 2016 Report on unfair trading practices in the food supply chain²:

- governance structure;
- dispute resolution capability;
- awareness-raising to increase participation, notably from SMEs;
- monitoring of compliance and reporting of cases.

Outcome

Participants welcomed the opportunity to gain a better understanding of developments and solutions developed in other Member States. Discussions showed that in the countries of the participants, trading practices are under political pressure and that national situations and models to address them varied widely.

The discussion showed that stakeholders knew and trusted their national system. All contracts were national and/or governed by a national law, and participants considered that cases were best dealt with at national level, through dialogue platforms, independent expert groups or regulatory mechanisms. Participants stressed the need for systems that allowed for a rapid reaction in a fast-moving market, which they considered an additional argument for a national approach. They also considered that the SCI and other voluntary initiatives could be complementary to existing national regulatory frameworks.

All participants acknowledged the importance of building dialogue in the food chain at national and European levels. **Take away from the discussion:**

- participation of all stakeholders in the chain, in particular farmers, was essential for ensuring an effective and, therefore, trusted system;
- it was necessary to clearly distinguish between the role of dialogue platforms and dispute resolution mechanisms;

¹ The Boerenbond (Belgian farmers' organisation); See annex I for the list of participants

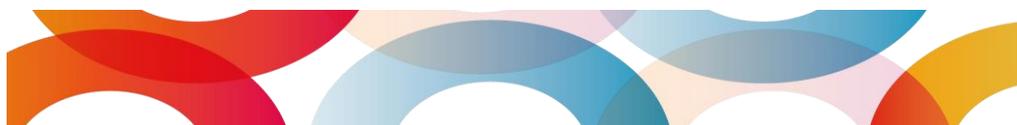
² Commission report on unfair business-to-business trading practices in the food supply chain COM(2016) 32 final

- in certain countries, public authorities were involved in platforms; this was the case in the Netherlands, where a government representative chaired meetings of the SCI platform, or in France, where a Member of Parliament chaired meetings of the Commission d'Examen des Pratiques Commerciales. In other countries, the platform was chaired by one or several independent experts (often judges or law professors) agreed by the associations supporting the initiative; it was considered that these could add competence and independence;
- platforms could provide an opinion or guidance of general interest on a given issue, but no adjudication. Adjudication, including redress, was dealt with by mandated experts (mediation, arbitration) or courts;
- national regulatory frameworks laid down the applicable legal sanctions and remedies for breaches of contract law; platforms relied on dialogue and peer pressure (up to removal from the register);
- confidentiality was ensured by the aggregated complaints (many-vs-one or many-vs-many) procedure; participants stressed the need for the association which intends to file the aggregate complaint to establish all the facts to ensure that there are sufficient grounds for the complaint.; A one-to-one case can never be anonymous and therefore cannot be addressed through the platforms but should be addressed through the bilateral dispute options;
- participants acknowledged the importance of awareness-raising at national level and reaching out to SMEs; they shared experiences of some of their activities – e.g. some associations had sent questionnaires, others developed good practice; some companies reached out to their trading partners; participants acknowledged that a case could help demonstrate the value of dialogue;
- participants agreed that another workshop of this kind would be useful.

Next steps

The SCI Governance Group will:

- ▶ clarify the possible scenarios under which the SCI Governance Group and national schemes should be involved;
- ▶ based on the findings of the workshop, respond to the Commission recommendations by end-2016;
- ▶ discuss internally and implement the changes through a process of consultation of members, platforms and registered businesses in 2017;
- ▶ consider organising a follow-up workshop to monitor national developments and further promote experience-sharing.



Annex I - List of Participants to the workshop

National platforms		
Country	Representatives	Organisations
Belgium	Nathalie De Greve	Comeos (retail)
	Chris Moris	FEVIA (industry)
	Walter Gelens	BABM (brands)
	Pieter Verhelst	Boerenbond (farmers)
Czech Republic	Ján Kondáš	Czech Tesco
	Marta Novakova	SOCR (retail)
Germany	Tobias Andres	BVE (industry)
	Andreas Gayk	Markenverband (brands)
	Dr. Astrid Krone-Hagenah	HDE (retail)
Finland	Paula Paloranta	Finnish platform manager
	Janne Koivisto	Kauppa (retail)
	Heli Tammivuori	ETL (industry)
The Netherlands	Marc Jansen	CBL (retail)
	Murk Boerstra	FNLI (industry)

National associations		
Country	Representatives	Organisations
France	Franck Derniame & Emilie Prouzet	FCD (retail)
Italy	Hélène Hotelier	Federdistribuzione (retail)
	Irene Zancanaro & Michele Spangaro	federalimentare (industry)
Spain	Ignacio García Magarzo & Felipe Medina	ASEDAS (retail)
	Mauricio Garcia de Quevedo	FIAB (industry)

Governance Group	
Name	Organisations
Mella Frewen (co-chair/industry)	FoodDrinkEurope
Else Groen (co-chair/retail)	Independent Retail Europe
Susanne Czech	ERRT – European Retail Round Table
Evelyne Dollet	FoodDrinkEurope
Alain Galaski (moderator)	AIM – European Brands Association
Pascale Rouhier	Celcaa - the European Liaison Committee for Agricultural and Agri-Food Trade
Christian Verschueren (moderator)	EuroCommerce
Christel Delberghe	EuroCommerce
Jessica Imbert	Secretariat of the SCI
Thomas Burgess	ERRT – European Retail Round Table