



## **Reckitt's response to ATNI Report**

Reckitt's response to the Access to Nutrition Initiative BMS/CF Marketing Index 2021 and the in-country assessment of Marketing of Breast-milk Substitutes and Complementary Foods in the Philippines and Mexico

20 December 2021



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## Executive Summary

Reckitt welcomes the publication of the Access To Nutrition Initiative (ATNI) BMS/CF Marketing Index 2021 (the Index) and the two in-country assessments of the marketing of Breast-Milk Substitutes (BMS) and Complementary Foods (CF) in The Philippines and Mexico (Country Reports).

Reckitt has improved its ranking from fifth (out of six BMS manufacturers) to fourth (out of nine BMS manufacturers), and with a score of 32%, this represents more than a three-fold increase compared to the ATNI BMS Marketing Index in 2018. We are proud of this significant improvement, a direct result of our BMS Marketing Policy implemented in April 2018 and our improved transparency, disclosure and reporting on BMS marketing practices.

We value independent assessment and the external perspective it brings. As a responsible company, we market our Infant and Child Nutrition (IFCN) products ethically and responsibly and commit to full transparency and continually improving our practices.

The Index and Country Reports have highlighted a number of areas where our BMS Marketing Policy and on-the-ground practices could be improved upon, and we commit to implement improvements within the next 12 months. We also recognise amendments are necessary to ensure our commitment on responsible practices are upheld - specifically on improved labelling on all products 0-36 months of age. However, we have outlined below three major elements of the ATNI methodology that we do not agree with, and the findings as a result of the inclusion of these elements, are fundamental to the Reckitt level of non-compliance as reported by ATNI, namely:

1. Definition of BMS: Growing Up Milks (GUMs) along with other foods during the toddler's transition to a diversified, nutritionally balanced and age-appropriate diet, are a complement and not a substitute to breast milk. GUMs do not meet all of the nutritional requirements of toddler, and therefore cannot be defined as a breast-milk substitute. There is no global alignment on what constitutes a BMS, and countries have differing definitions and incorporation of marketing restrictions into local legislation. Consequently, non-compliances on GUMs where GUMs are not classified as a BMS per local legislation, should not be included.
2. The Code and Local Implementation: The International Code of Marketing of Breast-Milk Substitutes 1981 (WHO Code of 1981) is a set of recommendations, addressed to member states of the World Health Organisation (WHO). Subsequent WHA resolutions have further clarified or extended certain provisions of the WHO Code of 1981. It is important to note, that on its own, the WHO Code of 1981 and subsequent relevant WHA resolutions are not legally enforceable<sup>1</sup>, and companies can only be subject to legal sanctions for failing to abide where appropriate provisions have been incorporated into the legislature of a nation state. It is of paramount importance to create a level legislative playing field, applicable equally to ALL companies (both local and international), including countries with limited or non-existent marketing restrictions. Without national legislation that applies to all, the collective responsibility required to advance industry-wide progress is lacking and those

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<sup>1</sup> [https://en.wikipedia.org/wiki/International\\_Code\\_of\\_Marketing\\_of\\_Breast-milk\\_Substitutes](https://en.wikipedia.org/wiki/International_Code_of_Marketing_of_Breast-milk_Substitutes)

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companies that have implemented provisions of the WHO Code/WHA resolutions are disadvantaged vs. those companies that have not. Following from this, Reckitt believes that the resulting 'ATNI non-compliances' pertaining to marketing practices on 12-36 month products where the full provisions of the WHO Code/WHA resolutions **have not been** incorporated into local legislation should not be included.

3. Inclusion of Third-Party Marketing Practices: Non-compliances from unrelated and independent third parties on BMS products, where those BMS products are not covered by local legislation and/or voluntary industry codes have been attributable to Reckitt. Reckitt can only raise awareness and request corrective actions for BMS products that are the subject of local legislation and/or voluntary industry codes. The third-party marketing practice findings on products in the 12-36 month category (i.e. GUMs), are fully compliant with local legislation and/or voluntary industry codes and hence a) should not be reported as non-compliant and b) cannot be attributable to Reckitt. Hence, the ATNI findings in Mexico related to unrelated and independent third party marketing practices on products 12-36 months should be excluded.

If the three above elements had been excluded from the ATNI methodology, and if other additional points (as outlined further in this communication) were also taken into consideration, we calculated that Reckitt's compliance rating would be high in both the Philippines and Mexico country reports (compared to medium and low respectively), and Reckitt's overall rating would improve from 32% (position 4th) to 57%. Whilst we recognise that our method of calculation of the rating is not fully comparable to that of ATNI, a rating of 57% is more representative of our strong local operations and recognises that both countries fully comply with our BMS Marketing Policy, local legislation and voluntary industry codes.

Our response to the ATNI Report is an illustration of our commitment to continued transparency and engagement. The attached information provides feedback on The Index and Country Reports, outlines our corrective action plan and areas for improvement. We trust that our comments and observations will be taken in the spirit of nurturing a constructive dialogue that benefits all parties. We have shared our findings with ATNI prior to publication of this report and hope to be able to continue to improve the assessment process, further the positive collaboration and improve Reckitt's marketing practices.

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## Reckitt achieved significant improvement

Reckitt welcomes the publication of the Access To Nutrition Initiative (ATNI) reports of the BMS/CF Marketing Index 2021 (the Index) and the two in-country assessments of the marketing of Breast-Milk Substitutes (BMS) and Complementary Foods (CF) in The Philippines and Mexico (Country Reports).

We value independent assessment and the external perspective it brings. Reckitt's has improved its ranking from fifth (out of six BMS manufacturers) to fourth (out of nine BMS manufacturers) and with a score of 32%, representing more than a three-fold increase compared to the ATNI BMS Marketing Index in 2018. We are proud of this significant improvement, a direct result of our BMS Marketing Policy implemented in April 2018 and our improved transparency, disclosure and reporting on BMS marketing practices.

The Index recognises our high level of corporate governance, policies, and management systems reflected in our improved scoring in the Corporate Profile (which accounts for 50% of the total rating) - from 19% to 47%, the greatest improvement of all BMS manufacturers and ranking third. We have achieved across the board improvement on all ATNI indicators on Article 1 to 11 of our BMS Marketing Policy. Worthy to note, out of the nine BMS manufacturers assessed, we scored the highest in the disclosure indicator. Additionally, we were ranked first in the May 2021 [ATNI Spotlight on Lobbying Report](#).

## Reckitt's Core Commitments and Key Milestones

At Reckitt, acting responsibly is core to Our Purpose. We pledge to support consumers across all stages of life, especially during the first 1000 days. Being one of the key players in the BMS industry, we market our infant and child nutrition products ethically and responsibly at all times. We respect not only our own high standards, but also support and promote the World Health Organisation (WHO) recommendations of exclusive breastfeeding in the first six months of life, and advocate continued breastfeeding up to two years of age and beyond.

We also acknowledge the importance of the aims of the WHO International Code of Marketing of Breast-Milk Substitutes of 1981 and subsequent relevant World Health Assembly (WHA) resolutions as implemented by national governments.

Our BMS Marketing Policy, introduced in April 2018, applies to marketing practices on Covered Products<sup>2</sup> in Higher-Risk countries<sup>3</sup>. In all countries where Reckitt operates, we commit to complying at a minimum with the national government laws and regulations for implementing the WHO Code of 1981. In addition, in Higher-Risk countries, we will respect whichever are the stricter requirements relating to the marketing of Covered Products - be that national law and/or regulations implementing the WHO Code of 1981 or our BMS Marketing Policy.

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<sup>2</sup> Please refer to the [BMS Marketing Policy](#) Article 2 for a definition of Covered Products

<sup>3</sup> Please refer to Article 2 of the [BMS Marketing Policy](#) for a definition of Higher-Risk countries

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Following the acquisition of Mead Johnson Nutrition (MJN) in June 2017, we have finalised the IFCN Nutrition Pledge, BMS Marketing Policy and taken significant steps in strengthening policies, processes and procedures, demonstrating accountability and transparency both internally and externally. Our progress is highlighted in the [BMS Progress Report](#) issued in 2020.

## The ATNI BMS/CF Marketing Index 2021 (the Index)

The Index assesses selected baby food manufacturing companies and the extent to which they market their Breast-milk Substitutes (BMS) and Complementary Foods (CF) in line with The Code. The Code in this context, includes the International Code of Marketing of Breast-Milk Substitutes of 1981 (WHO Code of 1981) and 18 subsequent relevant World Health Assembly (WHA) resolutions.

The ATNI methodology uses The Code definitions of BMS and CF which are outlined (section 4.2 and Annex 1) in the report<sup>4</sup>. Broadly speaking, BMS is any food being marketed or otherwise presented as a partial or total replacement for breastmilk, from birth to 36 months of age.

The Index comprises two types of assessment, each with equal weighting. The first - BMS/CF 1 (Corporate Profile) determines the extent to which the company's policies/management systems/disclosure align with The Code, and the second - BMS/CF 2 (Country Reports) assesses how the companies market their products in line with The Code in two countries - The Philippines and Mexico.

## Our Feedback on the Index, Corporate Profile and the Country Reports

We have a number of observations on the ATNI methodology, and in conjunction with other key stakeholders, will look to dialogue with ATNI later in 2021. However, we have three fundamental observations as well as a number of additional points regarding the findings, all of which are set out below:

### 1. Definition of BMS:

We fully support the Codex Alimentarius Commission that Growing Up Milks (GUMs) are a complement and not a substitute to breast milk. GUMs, along with other foods should be used during the period that toddler's transition to a diversified, nutritionally balanced and age-appropriate diet. GUMs do not meet all of the nutritional requirements of a toddler, and therefore cannot be defined as a breast-milk substitute; to do so would be misleading and could be harmful to the health of the toddlers/young children if it were perceived by parents and caregivers as such. It is therefore not appropriate to consider GUMs as BMS.

There is no global alignment on the definition of what constitutes a BMS, countries have different definitions and different levels of interpretation into local legislation. In the Philippines<sup>5</sup>, BMS includes all milk formulas

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<sup>4</sup> [https://accesstonutrition.org/app/uploads/2021/06/BMS-CF-Index-2021\\_FINAL.pdf](https://accesstonutrition.org/app/uploads/2021/06/BMS-CF-Index-2021_FINAL.pdf)

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from birth up to thirty-six months of age whereas in Mexico<sup>6</sup>, formulas marketed and presented as partial or total substitute for breastmilk' and only products intended for the feeding of infants aged 0 to 6 months, referred to as infant formulas, are defined as BMS. Follow-on Formulas (FOFs) (for 6 to 12 months) as well as foods for young children (12 to 36 months) are clearly defined as "foods" and form part of a progressively diversified diet for infants and young children, and hence are not classified as BMS. Mexican regulations impose restrictions on the commercialisation of BMS only (i.e. infant formula), and hence the basis of ATNI's methodology is not consistent with the Mexican regulations. Therefore, in Reckitt's opinion, any ATNI findings in Mexico, that are attributable to FOF and GUMs should be disregarded, as these are not defined as BMS per local regulations.

## 2. The Code and Local Implementation:

The International Code of Marketing of Breast-Milk Substitutes 1981 is a set of recommendations, addressed to member states of the World Health Organisation (WHO). It is an international health policy framework for promotion of breast-feeding. A number of subsequent WHA resolutions have further clarified or extended certain provisions of the WHO Code of 1981. It is important to note, that on its own, the International Code of Marketing of Breast-Milk Substitutes and the subsequent relevant WHA resolutions are not legally enforceable<sup>7</sup>. BMS companies can only be subject to legal sanctions for failing to abide by the WHO Code of 1981 and subsequent relevant WHA resolutions, where these have been incorporated into the legislature of a nation state. It is of paramount importance to create a level legislative playing field, applicable equally to both ALL (local and international) companies, including countries with limited or non-existent marketing restrictions. Without national legislation that applies to all, the collective responsibility required to advance industry-wide progress is lacking and those companies that have implemented provisions of the WHO Code/WHA resolutions are disadvantaged vs. those companies that have not. Countries have different levels of implementation of the WHO Code of 1981 and WHA resolutions.

The Philippines has enacted the majority of provisions of The Code into local legislation, and therefore the local regulations are substantially aligned with The Code<sup>8</sup>.

Mexico is only moderately aligned in terms of implementation of The Code. Mexico imposes restrictions on the commercialisation of BMS, as outlined above, but these extend to infant formula only, all other categories (FOF, GUMs) are out of scope of the local regulatory context<sup>9</sup>. Reckitt as a participant to CANILEC (Mexican Industry Association) has voluntarily agreed to restrict marketing practices to FOFs.

The ATNI methodology assesses compliance of BMS marketing practices with the WHO Code and WHA resolutions, regardless of the level of their implementation in local countries. Based on the above, and that Mexico is only 'moderately' aligned with The Code, Reckitt believes that the resulting 'ATNI non-compliances' pertaining to marketing practices on 12-36 month products in Mexico should be excluded. In addition, any ATNI findings that pertain to certain articles of WHA resolutions, where those articles (partially and fully) have not been incorporated into either the Philippines or Mexican legislation should also be disregarded.

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<sup>5</sup> <https://pcw.gov.ph/executive-order-no-51-national-code-of-marketing-of-breastmilk-substitutes-breastmilk-supplement-and-other-related-products/>

<sup>6</sup> Regulation under the Mexican Regulations on Health Control of Products and Services and NOM-131-SSA1-2012

<sup>7</sup> [https://en.wikipedia.org/wiki/International\\_Code\\_of\\_Marketing\\_of\\_Breast-milk\\_Substitutes](https://en.wikipedia.org/wiki/International_Code_of_Marketing_of_Breast-milk_Substitutes)

<sup>8</sup> National Implementation of the International Code, Status Report 2020

<sup>9</sup> Idem

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### 3. Inclusion of Third-Party Marketing Practices:

The Country Reports assess whether Reckitt takes a responsible approach to its marketing practices. However non-compliances from unrelated and independent third parties are included and attributable to Reckitt. Reckitt can only request (but not enforce) compliance with local regulations/voluntary industry codes from third parties with whom it has a direct commercial and contractual relationship. Many of the third parties (retailers, social media providers) are not under Reckitt's control and hence we cannot influence, demand, or impose any type of restrictions, as this would be seen as abuse of market position. Collective boycotting could also be claimed in the event of agreement with competitors/ retailers/ distributors to impose restrictions beyond local legal requirements with the outcome of blocking market entry for those that do not meet these requirements.

Specifically in Mexico, if Reckitt were to impose any restrictions or conditions towards retailers with respect to their commercialization of products that go beyond products covered by local legislation/voluntary restrictions (i.e. growing-up milks (12 to 36 months), and for which there is no justification to impose such restrictions, the third-party retailer could potentially file a claim to the Mexican Federal Economic Competition Commission.

Imposing commercialization restrictions upon a third party downstream (including retailers) falls within the scope of "relative monopolistic practices" (abuse of dominance) and doing so may result in sanctions against Reckitt, its employees and officers.

ATNI findings in Mexico related to third party marketing practices on products 12-36 months should not be attributed to Reckitt and should therefore be excluded from the ATNI compliance scoring.

### 4. Additional Observations

In addition to the three fundamental observations noted above, we have several other observations on the findings, and these are outlined below:

#### 4.1 Recognition of local regulatory and approval processes pre release

As noted above, the Philippines regulatory environment is substantially aligned with The Code, and these are documented in The Philippines Code of Marketing of Breast-milk Substitutes, (Executive Order 51, 1986), the Revised Implementing Rules and Regulations of the Milk Code (rIRR) of 2006, and the Inter-Agency Committee Guidelines (JAO 2012-027).

In the Philippines, ATNI reported 14 product label non-compliances for Reckitt. However, the labels were fully compliant with Executive Order 51, 1986, rIRR and were approved by the Philippines Food and Drug Administration prior to release. Similarly, the 3 traditional media ATNI non-compliances, were approved by

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the Philippines Inter-Agency Committee<sup>10</sup> under JAO 2021-027 implementing Executive Order 51, 1986 prior to release. Corresponding substantiations and supporting materials were provided to ATNI during the assessment process. We therefore do not agree with the inclusion of these 17 'ATNI non-compliances'.

#### 4.2 WHA resolution 61.20 and specific wording requirement on product labels

We take objection with the assessment that 14 product labels in the Philippines and 9 product labels in Mexico were non-compliant as they did not include the statement: 'Instructions show necessity for powdered formula to be prepared one feed at a time'.

WHA resolution 61.20, includes a footnote to the WHO in collaboration with the Food and Agricultural Organisation of the United Nations (FAO) guideline: 'Safe preparation, storage and handling of powdered infant formula'<sup>11</sup> (guidelines). Footnote guidelines are integral and to be read in conjunction with the WHA resolution. The Guidelines Article 3.1.3<sup>12</sup> clearly notes that 'feeds can be prepared in advance' and Guideline Article 3.1.4 provide instructions for re-warming previously prepared feeds. The Guidelines do therefore recognise that feeds can be prepared in advance and thus the wording of the indicator 'necessity to prepare one feed at a time' is not in line with WHA resolution 61.20.

We communicated this to ATNI, who indicated that they have based their assessment using the NetCode Toolkit (indicator 8.10 (d)). However, this indicator is not correct as it does not reflect the actual requirements of WHA 61.20, and ATNI should have taken this into consideration in their label assessment. In addition, the requirement to include such statements are not part of the national Codes and/or labelling regulations in either the Philippines or Mexico.

We therefore disagree with the inclusion of the 14 product label findings in the Philippines and 9 in Mexico.

#### 4.3 Product Scope

We provided ATNI a listing of Reckitt's milk formulation products, suitable for infants and toddlers, between 0 to 36 months of age (i.e. what is classified as BMS for the purposes of the Report), for both the Philippines and Mexico. For Mexico, the final number of products that ATNI took into consideration did not match with the Reckitt provided data and we only became aware of this at a relatively late stage in the reporting process. The Mexican product count applied by ATNI was 27, whereas we believe it should have been 30. Whilst this would have had only a minor effect on the final Mexican compliance scoring, for greater accuracy we have adjusted for in the table below.

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<sup>10</sup> Composed of the Philippines Department of Health as Chairman, Department of Trade and Industry, Department of Justice, and Department of Social Welfare and Development as members

<sup>11</sup> Safe preparation, storage and handling of powdered infant formula Guidelines, World Health Organization in collaboration with Food and Agriculture Organization of the United Nations <https://www.who.int/publications/i/item/9789241595414>

<sup>12</sup> The Guidelines Article 3.1.3 Preparing feeds in advance for later use notes the following: 'it is best to make powdered infant formula (PIF) fresh for each feed and to consume immediately, as reconstituted PIF provides ideal conditions for the growth of harmful bacteria. For practical reasons, however, feeds may need to be prepared in advance. The steps below outline the safest way to prepare and store feeds for later use'

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#### 4.4 Focus on substantiated findings

In addition to cataloguing incidents of ATNI non-compliance with The Code and/or national laws and regulations, the ATNI methodology extends to Interviewing mothers and healthcare professionals (HCPs) to capture their recollections of various types of marketing they may have been exposed to. The results of these interviews are not taken into consideration, as the content is ‘considered subjective, prone to recall bias and cannot be verified’. In the Philippines Country Report the results of these mother/HCP interviews could not be substantiated. The inclusion therefore of the commentary on these unsubstantiated practices is not correct, as it can be misinterpreted and leads to confusion.

#### 4.5 The scope of our BMS Policy is not correctly stated

Our BMS Policy applies to a variety of products including Infant Formulas, Follow-on Formulas, Delivery Products, and Complementary Foods and Beverages for Infants under six months of age. Whilst Reckitt does not market Complementary Foods (CF) for Infants under six months of age, our Policy scope does extend to CF and this was wrongly presented in Reckitt’s 2021 Scorecard, on Table 2: Application of Company Policy.

### Adjusted Findings and Reckitt's re-calculation of Level of Compliance

Based on our disagreement with some of findings and certain elements of the ATNI methodology, we have recalculated what we believe to be a more appropriate level of compliance, which would result in a high rating of compliance in both the Philippines and Mexico: :

	Philippines	Mexico
<b>Total ATNI Reported findings</b>	<b>19</b>	<b>66</b>
Exclude findings that are out-of-scope of local legislation, and third party related: <ul style="list-style-type: none"><li>• Retailer (traditional, online) point-of-sale activities on GUM</li><li>• Third party social media findings on GUM</li></ul>		23 5
Exclude findings that were approved by local regulators: <ul style="list-style-type: none"><li>• Traditional and online media</li></ul>	3	
Exclude findings that were approved by local regulators, WHA resolution not incorporated into local legislation, indicator requirement does not correspond to WHA resolution: <ul style="list-style-type: none"><li>• Product labels to include 'necessity to prepare one-feed at a time'</li></ul>	14	9

<b>Total Adjusted Findings based on Reckitt's methodology</b>	<b>2</b>	<b>29</b>
<b>Adjusted Product Count</b>	<b>17</b>	<b>30</b>
<b>Reckitt calculated level of compliance</b>	<b>0,11 HIGH</b>	<b>0,96 HIGH</b>

Based on the amended findings above, we have noted below those for which corrective actions are possible - as the findings are within the scope of local legislation and/or voluntary industry codes:

	<b>Philippines</b>	<b>Mexico</b>
<b>Total Amended findings</b>	<b>2</b>	<b>29</b>
Valid and Actionable Findings:		
<ul style="list-style-type: none"> <li>Equipment and promotional materials at healthcare entities (HCEs)</li> </ul>	2	
<ul style="list-style-type: none"> <li>Promotions at retail outlets (IF, FOF)</li> </ul>		6

Of the 29 amended findings for Mexico, 23 of these relate to media findings (3 on traditional media, 20 from on-line media) on GUM products. GUM products are outside the scope of Reckitt's BMS Policy and also local Mexican legislation/voluntary industry codes. Whilst we do not agree with these 23 findings, and do not believe corrective actions are needed, for consistency and comparison versus other BMS manufacturers, we have not removed from the analysis.

## Corrective Actions on Valid Findings, Areas for Improvement

At Reckitt, we are committed to continuous improvement. We have undertaken a detailed review of the 'valid and actionable findings' as noted above, and have outlined below our corrective action plans:

### Valid and Actionable Findings - In-country operations

We reiterate that in both the Philippines and Mexico, we are fully compliant with local legislation and/or relevant industry codes.

#### 1. Immediate actions have been taken to remove branded materials and equipment

There were two findings on equipment and materials located in Health Care Entities (HCEs) in the Philippines. Whilst these were branded with 'Lactum 3+6+' (which refers to a product for children older than 3 years of

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age) and are out-of-scope, ATNI's observation was that the inclusion of the brand name 'Lactum' could be associated with in-scope products. These were old materials that are no longer distributed. We have also undertaken an immediate and complete review of all existing materials and can conclude that none could be interpreted in the same manner.

## **2. Encourage our contractual third parties to act in compliance**

Reckitt is committed to full compliance with legal legislation in all markets we operate, and we encourage the same behaviour from our commercial partners. However, we cannot enforce compliance and we are extremely limited in actions that can be taken. We will communicate with those whom we have commercial relationships with and encourage them to respect the local legislation and applicable industry codes. We have developed a number of different communications, including marketing of Covered Products on boarding training for new distributors and retailer 'Do's and Don'ts', and will look to communicate on a regular basis to all relevant parties.

## **3. Specific Actions on Product Labels**

Whilst we have reported that the product label findings (14 in the Philippines and 9 in Mexico) are not correct (as WHA 61.20 does not note 'the necessity to prepare one feed at a time'), we will undertake a review of all labels of products from birth to 36 months of age, to include appropriate wording regarding feed preparation, as we realise the importance of clear messaging regarding the safe and appropriate product preparation.

## **Areas for improvement - Corporate Profile**

Whilst we have substantially improved across all indicators, we have identified areas where our current BMS Marketing Policy could be updated, and we will look to incorporate applicable changes in the next planned policy revision.

In addition, we commit to updating Article 9 of the BMS Marketing Policy, to incorporate the requirements of safe and appropriate product preparation.

## **Conclusion**

Our response to the ATNI Report is an illustration of our commitment to continued transparency and engagement, and we trust that our comments and observations will be taken in the spirit of nurturing a constructive dialogue that benefits all parties.

As noted above, we do take objection to the majority of the findings, and particularly those on products outside the scope of local legislation and/or voluntary industry codes (i.e. GUM in Mexico) and those that are outside of Reckitt's control and ability to influence (third-party findings). Attributing these findings to

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Reckitt is incorrect, and results in reporting lower levels of compliance. Such ratings do not accurately represent Reckitt's operations, can be misinterpreted externally and more importantly, cause reputational damage.

We do however recognise the value of reporting the non-compliances arising from the third-party actions versus the ATNI methodology, as this helps to raise awareness and may assist in reiterating the need to incorporate additional provisions of the WHO Code and WHA resolutions into local legislation. This will aid in creating a level playing field, applicable to all market participants. We would recommend for future Indexes, that all findings related to third party 'ATNI non-compliances' versus local legislation and/or the ATNI methodology, be **separately reported**, and that these **should not** be included into the total number of incidences of ATNI non-compliance of the BMS manufacturer.

We have a number of observations/comments on the ATNI methodology and will look to dialogue with ATNI regarding these and to further improve the assessment process. We recognise that whilst there are different views within the industry, we look forward to the opportunity to continue engaging with key stakeholders and other interested parties to drive industry improvements.