

## **Implementation of the International Code of Marketing of Breast-milk Substitutes and related resolutions in Czech legislation and possibilities of methodological support for enforcement of this legislation**

### **Minutes of the expert round table held on 25 February 2022**

Place and time: online on Zoom, from 9:30 am to 12:30 pm.

#### **Attending:**

1.	Čermáková Marie	Government Council for Gender Equality, Chair of the Working Group on Obstetrics and Midwifery
2.	Hlišáková Denisa	Office of the Council for Radio and Television Broadcasting, Commercial Communications Analyst
3.	Hradecká Lucie	Office of the Government of the Czech Republic, Secretary of the Working Group on Obstetrics and Midwifery
4.	Lhotská Lída	Expert with extensive international experience in the regulation of marketing of breast-milk substitutes (including as Senior Advisor at UNICEF Headquarters)
5.	Majerčíková Aneta	Working Group on Obstetrics and Midwifery, Spokojení – member organisation of the International Baby Food Action Network
6.	Orlová Marie	Ministry of Industry and Trade, Department of Trades and Consumer Legislation
7.	Slavíková Silvie	Ministry of Health of the Czech Republic, Department of Public Health Protection
8.	Strakoš Jan	Ministry of Industry and Trade, Director of the Department of Trades and Consumer Legislation
9.	Šmídová Diana	Office of the Government of the Czech Republic, Secretary of the Committee on the Rights of the Child

#### **Agenda:**

1. Introduction	L. Hradecká
2. Introductions and opinions of the Ministry of Health and the Ministry of Industry and Trade	participants in the expert round table
3. Summary of the content and conclusions of the new WHO and UNICEF report	L. Hradecká
4. Presentation by a member organisation of the IBFAN (International Baby Food Action Network) and a representative of the Working Group on Obstetrics and Midwifery	A. Majerčíková
5. Facilitated discussion	participants in the expert round table
6. Conclusion	L. Hradecká

## 1. Introduction

L. Hradecká welcomed the attendees and stated that the Government Council for Gender Equality (hereinafter the “Council”) had entrusted the organisation of the expert round table *“Implementation of the International Code of Marketing of Breast-milk Substitutes and related resolutions in Czech legislation and possibilities of methodological support for enforcement of this legislation”* (hereinafter the “Round Table”) to the Gender Equality Department of the Office of the Government of the Czech Republic (hereinafter the “OG CR”) by Resolution No 18/2021 of 5 November 2021.<sup>1</sup> The Resolution was adopted by the Council on the basis of a Motion of the Working Group on Obstetrics and Midwifery on the 40th Anniversary of the International Code of Marketing of Breast-milk Substitutes (hereinafter the “Code Motion”),<sup>2</sup> which was adopted by a Resolution of the Working Group on Obstetrics and Midwifery No 04/2021 of 4 October 2021 and which was also the starting point for the Round Table. She stressed that the round table was deliberately designed as a closed one, intended for experts who are familiar with the issue, or with the International Code of Marketing of Breast-milk Substitutes (hereinafter the “Code”) and are able to have a qualified discussion on the topic. In accordance with the Code and the WHO recommendations for its implementation<sup>3</sup>, representatives of entities with a demonstrable commercial interest in the matter were excluded from the round table, even though they had requested to participate.

The Round Table also follows up on the measures set out in the *Gender Equality Strategy for 2021–2030* (hereinafter the “Strategy 2021+”),<sup>4</sup> approved by Government Resolution No 269 of 8 March 2021, which aims to improve the implementation and enforcement of the Code, including the related resolutions, so as to eliminate inappropriate commercial influences interfering with parents’ decision-making on the nutrition of their children. The Round Table also contributes to the implementation of Measure 4.6.7 *“Define the necessary legislative changes (especially in the Advertising Regulation Act) to ensure the implementation of the WHO and UNICEF International Code of Marketing of Breast-milk Substitutes and the related World Health Assembly resolutions”*, of which it is a co-sponsor.

Although the Code Motion deals mainly with the insufficient implementation of the Code in Czech and European legislation and the insufficient enforcement of existing legislation, this does not mean that the Working Group on Obstetrics and Midwifery only deals with the issue of sanctions. The Working Group on Obstetrics and Midwifery addressed prevention with a similar level of detail. Specifically, it adopted the Motion for the Consistent Implementation of the Baby-friendly Hospital Initiative 2018 (hereinafter the “BfHI 2018 Motion”),<sup>5</sup> which was subsequently approved by the Council, and then the Government of the Czech Republic (by Resolution No 731 of 23 August 2021) decided that the Ministry of Health (hereinafter the

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<sup>1</sup> For further details, see [http://www.vlada.cz/assets/ppov/rovne-prilezitosti-zen-a-muzu/cinnost\\_rady/Zapis\\_Rada\\_5\\_11\\_2021\\_FINAL.pdf](http://www.vlada.cz/assets/ppov/rovne-prilezitosti-zen-a-muzu/cinnost_rady/Zapis_Rada_5_11_2021_FINAL.pdf).

<sup>2</sup> For further details, see <http://www.vlada.cz/cz/ppov/rovne-prilezitosti-zen-a-muzu/aktuality/pracovni-skupina-k-porodnictvi-chce-zamezit-nevhodne-propagaci-nahrad-materskeho-mleka-a-lahvi--191106/>. The Code Motion, including all its six annexes, is attached to the article.

<sup>3</sup> For further details, see <https://apps.who.int/iris/bitstream/handle/10665/352003/WHO-EURO-2022-4885-44648-63367-eng.pdf>.

<sup>4</sup> Specifically, these are measures from the Health chapter, namely 4.6.7 *Define the necessary legislative changes to ensure the implementation of the WHO and UNICEF International Code of Marketing of Breast-milk Substitutes and related World Health Assembly resolutions*; 4.6.8 *Submit a draft amendment to Act No 40/1995, on the regulation of advertising to ensure the implementation of the WHO and UNICEF International Code of Marketing of Breast-milk Substitutes and the related World Health Assembly Resolutions*; and 4.6.9 *Reduce inappropriate promotion of breast-milk substitutes, bottles and pacifiers in public, among health professionals and health services*.

<sup>5</sup> The text of the motion is available at <http://www.vlada.cz/assets/ppov/rovne-prilezitosti-zen-a-muzu/Aktuality/Podnet-k-dusledne-implementaci-BfHI-2018---schvalena-verze.pdf>.

“MoH”) should develop by June 2023 a strategy for the consistent implementation of the current version of this programme in the Czech Republic.<sup>6</sup>

She stressed that the Code is a highly relevant, comprehensive and up-to-date document [since its creation, it has been updated by related resolutions of the World Health Assembly (hereinafter the “WHA”) with regard to social development]. She added that WHO and UNICEF offer technical assistance to countries in implementing the Code (see paragraph 4 for more details).

The Round Table is designed at the working level, with information on its proceedings and conclusions at the working level to be presented to the Council in the context of further consideration of the Code Motion.

## **2. Introductions and opinions of the Ministry of Health and the Ministry of Industry and Trade**

L. Hradecká then invited the attendees to briefly introduce themselves, noting that the representatives of the Ministry of Health and the Ministry of Industry and Trade (hereinafter the “MIT”) were allowed priority time to begin by summarising their initial working positions and possible steps taken by their ministries since the last meeting of the Working Group on Obstetrics and Midwifery on 4 October 2021.

J. Strakoš thanked for the organisation of the Round Table and the related documents,<sup>7</sup> especially the draft model implementation act.<sup>8</sup> He stressed that the MIT, in line with the conclusions of the WHO and UNICEF report, agrees that intrusive advertising in the field of child nutrition is unacceptable, but at the same time expressed the conviction that the problem is likely to have a much deeper dimension in the case of developing countries than EU countries (given the quality of local legislation and the quite different mentality of consumers). He highly appreciated Annex 1 to the Code Motion,<sup>9</sup> which contains a detailed comparison of the extent to which the Code, including the related resolutions, is or is not implemented in European and Czech legislation, and thus also a comparison of the obligations arising from the Code and the related resolutions with the individual provisions of the Advertising Regulation Act. He said that he perceived gaps in the current legislation (both Czech and European), but the MIT is of the opinion that the implementation of the Code should be comprehensively dealt with within the competence of the Ministry of Health, as the Code does not concern only advertising. He also stressed that if we want to make the application and enforceability of the legal regulation in this area, i.e. the legal protection, more effective, it is necessary to discuss who should supervise this area. The Czech Republic is an anomaly in this respect, as the supervisory role over the provisions of the Advertising Regulation Act in question belongs mainly to the Regional Trade Licensing Offices (hereinafter the “RTLO”), which supervise a huge section of advertising and lack medical expertise. According to the MIT, the supervision of the area covered by the Code would deserve more special and expert supervision. In fact, the draft model implementation act also envisages supervision by health authorities.<sup>10</sup>

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<sup>6</sup> For further details, see <http://www.vlada.cz/cz/ppov/rovne-prilezitosti-zen-a-muzu/aktuality/tz-vlada-zkvalitni-poporodni-peci-ve-vsech-porodnicich-190329/>.

<sup>7</sup> See annexes to the minutes of the Round Table.

<sup>8</sup> For further details, see <https://apps.who.int/iris/bitstream/handle/10665/352003/WHO-EURO-2022-4885-44648-63367-eng.pdf?sequence=1&isAllowed=y>.

<sup>9</sup> For further details, see <https://www.vlada.cz/assets/ppov/rovne-prilezitosti-zen-a-muzu/Aktuality/Priloha-1-k-podnetu-o-Kodexu.pdf>.

<sup>10</sup> Ibid.

Assuming that there is no change of the supervisory authority, the MIT is ready to provide assistance in the methodological guidance of the RTLOs. However, in response to the Code Motion, the MIT has carried out a search of the legal regulation of the subject area in some other European countries since October 2021. The supervision in this area (infant nutrition) in these countries is carried out by the authorities under the responsibility of the Ministry of Health or the Ministry of Agriculture:

- *Austria* – Restrictions on advertising of child food are addressed by a regulation of the Federal Minister of Health;
- *Germany* – the issue, including restrictions on advertising, is addressed by the Federal Ministry of Food and Agriculture’s Decree on dietetic foods;
- *Poland* – the issue, including restrictions on advertising, is addressed by the Food Safety Act and supervised by the State Sanitary Inspectorate;
- *Slovakia* – the issue is dealt with by the Act on Advertising, supervised by the Public Health Office of the Slovak Republic and regional public health authorities;
- *Switzerland* – compliance with advertising restrictions on child food is monitored by cantonal authorities (usually cantonal chemists).

Another reason for entrusting the issue to the Ministry of Health is the fact that it is a highly specialised issue and advertising is only a sub-section of the comprehensive regulation of the Code – the Code covers the obligations of distributors and manufacturers, marketing personnel, medical staff, medical devices, professional representatives and nurses (staff paid by distributors and manufacturers), the distribution of gifts and the provision of discounts, product information, mandatory product labelling (packaging and labels), product quality, etc. The MIT is responsible only for advertising regulation in general; however, the Advertising Regulation Act also states that the supervisory authority for special commodities are in principle specialised bodies – in addition to the Council for Radio and Television Broadcasting (hereinafter the “RRTV”), there are also other institutions, such as the State Institute for Drug Control for advertising of human medicines, the Czech Agriculture and Food Inspection Authority (hereinafter the “CAFIA”) for most food advertising, the Central Institute for Supervising and Testing in Agriculture for advertising of plant protection products, the State Institute for the Control of Veterinary Biopreparations and Medicines for advertising of veterinary medicinal products, etc.

He further stated that the Model Implementation Act contains interesting proposals for sanctions, but some of them, such as sentence of imprisonment, seem unacceptable under domestic administrative law. In principle, he is not opposed to the inclusion of new fines or administrative penalties within the meaning of Czech infraction law. He only suggested that the Ministry of the Interior (hereinafter the “MoI”), as the responsible authority in the field of administrative punishment, should also be invited to discuss this form of sanctions.

On behalf of the MIT, he welcomed the fact that the MoH expressed interest in meeting on the topic of implementation of the Code at the level of deputies through a meeting between the Chief Public Health Officer of the Czech Republic, MUDr. Pavla Svrčinová, Ph.D. and the Deputy Minister of the Economic Policy and Entrepreneurship Section, Ing. Silvana Jirotková.

S. Slavíková said that the approach of the MoH is in line with that of the MIT. However, the Chief Public Health Officer of the Czech Republic is quite busy at the moment, so the meeting at the level of deputies will probably take place in spring. She stressed that the implementation of the Code concerns not only initial but also follow-up nutrition, i.e. it is a larger agenda for which the Ministry of Health is currently limited in staffing, as she is currently the only person

working on this agenda at the Ministry of Health. She stressed that the discussion on a possible change of the supervisory authority should take place at the level of the deputies. However, due to the planned reduction in the number of employees of the regional public health offices, the Chief Public Health Officer of the Czech Republic sees difficulties in a possible change of the supervisory authority or in the transfer of this competence from the RTLOs to the regional public health offices.

### **3. Summary of the content and conclusions of the new WHO and UNICEF report**

L. Hradecká informed that the new WHO and UNICEF report entitled “*How the marketing of formula milk influences our decisions on infant feeding*” (hereinafter the “Report”)<sup>11</sup> was published globally on 23 February 2022. The WHO and UNICEF, together with partner organisations, organised two webinars to launch the Report.<sup>12</sup> To launch the Report, the WHO published an open letter to end the predatory marketing of breast-milk substitutes.<sup>13</sup> The letter is addressed not only to manufacturers, distributors and investors, but also to governments and health professionals; specific organisation or ministries may join the letter by signing it.

The report is based on systematic cross-regional research commissioned by the WHO and UNICEF. This is the largest study of its kind to date, conducted in conjunction with the research department of an agency with expertise in communications, marketing and behavioural change (how marketing practices determine consumer behaviour). The report analyses the experiences of more than 8 500 women and 300 health and medical professionals from 8 countries, with the UK representing the European region. The Report shows that the marketing of breast-milk substitutes remains unacceptably widespread, misleading and aggressive. The Report also shows that false and misleading messages about breast-milk substitutes constitute a significant barrier to breastfeeding.

The Report, or rather the study on which it is based, reveals the enormous scale and sophistication of marketing techniques that exploit parents’ anxieties and vulnerability. The WHO and UNICEF have highlighted this impact, including through a demonstrative one-minute video clip, “You See, They See: Formula milk marketing and infant feeding”,<sup>14</sup> which was published together with the Report. Marketing techniques include “*unregulated and invasive targeting in online environments, sponsored advice networks and helplines, promotions, giveaways and practices that influence the training of health professionals and the recommendations they receive. The messages that parents and health professionals receive are often misleading and scientifically unsubstantiated.*”<sup>15</sup>

One of the most effective ways of marketing is to convey marketing messages directly through the medical staff. In all countries, health workers and nurses are the main source of education on nutrition and feeding of children. “*The Report cites the alarming fact that large numbers of health professionals in all countries have been approached by breast-milk substitute manufacturers. These in turn influenced what these workers would recommend to new*

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<sup>11</sup> The Report is available at <https://www.who.int/publications/i/item/9789240044609>.

<sup>12</sup> A recording of both webinars with accompanying presentations and discussions is available at <https://www.who.int/news-room/events/detail/2022/02/23/default-calendar/marketing-the-USD-55-billion-formula-milk-industry>.

<sup>13</sup> For further details, see <https://www.who.int/teams/maternal-newborn-child-adolescent-health-and-ageing/formula-milk-industry/endexploitativemarketing-of-formula-milk-products?fbclid=IwAR3eO3m7gD-Jnd47IECdDAKxb2BxUD2wMph2X9EyEzoqSMIDYewNCfMKXL4>.

<sup>14</sup> For further details, see <https://www.youtube.com/watch?v=qkCxAM-oopl>.

<sup>15</sup> Cited based on the Czech translation of the related press release available at [https://www.unicef.cz/vice-nez-polovina-rodicu-je-vystavena-agresivnimu-marketingu-nahrad-materskeho-mleka/?fbclid=IwAR1rK23uO4iZ\\_w3BR7k2bLM2uVDZnhtiXP7xHKh-Ax9GB1c\\_Y3COz48j5fk](https://www.unicef.cz/vice-nez-polovina-rodicu-je-vystavena-agresivnimu-marketingu-nahrad-materskeho-mleka/?fbclid=IwAR1rK23uO4iZ_w3BR7k2bLM2uVDZnhtiXP7xHKh-Ax9GB1c_Y3COz48j5fk).

mothers. Manufacturers have consolidated their influence through donated promotional items, free samples, research funding, paid meetings, events and conferences, and even commissions on sales, which directly influence parents' choices regarding the children's diet. More than a third of the women surveyed said that a health professional had recommended a particular brand of breast-milk substitute to them."<sup>16</sup>

The Report also highlights the extensive use of digital platforms to market breast-milk substitutes. These marketing techniques involve the use of algorithms to precisely target a person's individual profile, exploiting their anxieties, desires and aspirations. These are the basis for further personalisation of the marketing message. The WHO Executive Board, by decision EB150(7)<sup>17</sup> of 28 January 2022, recommended that the WHA also address the area of digital marketing of breast-milk substitutes at its 75th session and call for its adequate regulation. The decision of the WHO Executive Board is based on the report "*Maternal, infant and young child nutrition Comprehensive implementation plan on maternal, infant and young child nutrition: biennial report*",<sup>18</sup> which is based, among other things, on the vision study (which served as the basis for the Report). The Report is accompanied by a summary of key findings on the scope and impact of digital marketing of breast-milk substitutes and the need to regulate it in line with the Code. The Department ensured the Czech translation of the summary (see Annex 2) and its publication on the government website.<sup>19</sup>

In all countries involved in the study, women expressed a strong desire to exclusively breastfeed. However, the steady flow of misleading marketing messages reinforces myths about breastfeeding and breast milk and undermines women's confidence in their ability to breastfeed successfully.

Therefore, the Report makes six key recommendations based on the above findings:

- Recognise the scale and urgency of the problem (has an impact on public health);
- Adopt, monitor and enforce legislation in accordance with the Code;
- Build on proven scientific and medical knowledge and avoid distorting it for commercial purposes;
- Regulate digital marketing so that it does not influence parents' decisions about children's diet, and thus endanger their health;
- Invest in policies and programmes to support breastfeeding;
- Form broader coalitions to actively oppose unethical marketing practices and hold producers accountable.

See Annex 7 for L. Hradecká's presentation.

#### **4. Presentation by a member organisation of the IBFAN (International Baby Food Action Network) and a representative of the Working Group on Obstetrics and Midwifery**

At the beginning of her presentation (see Annex 8), A. Majerčíková emphasised that aggressive marketing was the actual problem, not the substance, which in itself, if safe and

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<sup>16</sup> Ibid.

<sup>17</sup> For further details, see [https://apps.who.int/gb/ebwha/pdf\\_files/EB150/B150\(7\)-en.pdf](https://apps.who.int/gb/ebwha/pdf_files/EB150/B150(7)-en.pdf).

<sup>18</sup> For further details, see [https://apps.who.int/gb/ebwha/pdf\\_files/EB150/B150\\_23-en.pdf](https://apps.who.int/gb/ebwha/pdf_files/EB150/B150_23-en.pdf).

<sup>19</sup> For further details, see [https://www.vlada.cz/assets/ppov/rovne-prilezitosti-zen-a-muzu/Aktuality/2\\_Preklad-annexu---Rozsah-a-dopad-digitalniho-marketingu-nahrad-materskeho-mleka.pdf](https://www.vlada.cz/assets/ppov/rovne-prilezitosti-zen-a-muzu/Aktuality/2_Preklad-annexu---Rozsah-a-dopad-digitalniho-marketingu-nahrad-materskeho-mleka.pdf).

not overused, has its place in the nutrition of children. It is marketing that leads consumers to overuse formula even when they do not need it and discourages breastfeeding. She said that, unlike the marketing of ordinary things like shampoo, the impacts of breast-milk substitute marketing on the lives and health of children and women are very dramatic. At the same time, it is proven worldwide that self-regulation does not work. As an example of dysfunctional self-regulation from the Czech environment, she mentioned the attempted agreement from 2020 between doc. MUDr. Jiří Dort, Ph.D., then chairman of the Czech Neonatology Society and member of the National Breastfeeding Committee, with breast-milk substitute manufacturers regarding compliance with the basic rules of the Code, such as not providing donations to neonatal departments. As can be seen from Annex 3 to the Code Motion, the agreement has not been complied with.<sup>20</sup> In order to protect the health of children and women, to protect human rights (decisions on the type of child's diet based on the right to impartial and truthful information), it is necessary to consistently implement the Code and related resolutions into the Czech legal system.

She informed that the SpoKojení association, as the Czech representative of the International Baby Food Action Network (hereinafter the "IBFAN"), is preparing a Czech translation of the resolutions related to the Code, which it will subsequently publish on its website and make available to the MoH, MIT and OG CR. In addition to the primary sources (i.e. the Code and the related resolutions), other supporting and methodological materials can help the ministries in implementing the Code. These include:

- The Code Motion and the comparative table attached as Annex 2 to the Code Motion.
- The Report presented in the previous paragraph.
- WHO/UNICEF/IBFAN reports on the status of implementation of the Code in national jurisdictions.<sup>21</sup>
- The four-part *Code Series* by IBFAN, which has also been provided WHO/UNICEF and other relevant organisations.
- NetCode protocols.<sup>22</sup>
- WHO Implementation Manual<sup>23</sup> for the Guidance on Ending the Inappropriate Promotion of Foods for Infants and Young Children, annexed to WHA Resolution 69.9.
- WHO Europe policy brief on the effective framework for implementation of the Code, which includes a draft model implementation act.<sup>24</sup>

A. Majerčíková added that the first part of the *Code Series* contains an annotated version of the Code, the second part deals in detail with how the Code should be implemented, the third part concerns the responsibility of health professionals and health care providers and the fourth part consists of a guide for regulators. Copies of the *Code Series* have already been delivered by the SpoKojení association to, among others, the National Library of Medicine and the Library of the OG CR. The IBFAN also developed a Code monitoring methodology that was used as inspiration for the NetCode protocols.

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<sup>20</sup> For further details, see [https://www.vlada.cz/assets/ppov/rovne-prilezitosti-zen-a-muzu/Aktuality/Priloha-3-k-podnetu-o-Kodexu\\_seznam-smluv.pdf](https://www.vlada.cz/assets/ppov/rovne-prilezitosti-zen-a-muzu/Aktuality/Priloha-3-k-podnetu-o-Kodexu_seznam-smluv.pdf).

<sup>21</sup> For further details, see <https://www.who.int/publications/i/item/9789240006010>.

<sup>22</sup> For further details, see <http://apps.who.int/iris/bitstream/handle/10665/259695/9789241513494-eng.pdf?sequence=1> a <http://apps.who.int/iris/bitstream/handle/10665/259441/9789241513180-eng.pdf?sequence=1>.

<sup>23</sup> For further details, see <https://apps.who.int/iris/bitstream/handle/10665/260137/9789241513470-eng.pdf>.

<sup>24</sup> For further details, see <https://apps.who.int/iris/bitstream/handle/10665/352003/WHO-EURO-2022-4885-44648-63367-eng.pdf?sequence=1&isAllowed=y>.

The WHO Implementation Manual<sup>25</sup> for the Guidance on Ending the Inappropriate Promotion of Foods for Infants and Young Children, annexed to WHA Resolution 69.9<sup>26</sup>, is another useful resource. The manual also includes information on how to prepare for possible opposition when adopting stricter regulation.

The draft model implementation act, which is part of a newly published policy brief from WHO Europe on the effective framework for implementation of the Code, is also inspiring. She pointed out that the authors of the model act are anchored in the Anglo-Saxon legal system, so it is rather general and it would be appropriate to elaborate it for the needs of the Czech Republic. The model act is particularly inspiring in the area of sanctions, where it proposes, for example, the suspension or revocation of the licence to operate for both medical staff and commercial companies for breaches of the Code. Although the sanctions proposed in the model act are significant, she thinks it appropriate to consider them in light of the findings of the Report. The policy brief does not recommend the involvement of manufacturers and distributors in the drafting phase of the legislation as they are in an irrevocable and unacceptable conflict of interest. However, they should be given the opportunity to comment on the draft act or its amendments afterwards, in writing, so that there is a publicly available record of this and it is possible to transparently monitor how the State administration has responded to their comments.

A. Majerčíková also reminded that the MoH and the MIT can use the technical support of WHO and UNICEF in the implementation of the Code and she offered to facilitate co-operation with the author of the discussed policy brief.<sup>27</sup>

Regarding monitoring, she referred to the detailed NetCode protocols. The first one<sup>28</sup> provides guidance on how to monitor the situation in the field in a given country once and then at intervals of 3-5 years, to find out how many parents encounter marketing, in what environments, which channels are most used, etc. This is the protocol followed by e.g. Poland in 2018-2019.<sup>29</sup> The second protocol<sup>30</sup> provides guidance on how to set up a system of continuous monitoring through a working group (usually under the MoH) that would continuously monitor the situation and report detected violations to the supervisory authorities, if it is not itself a supervisory authority.

Supervisory authorities should be proactive in finding violations of the Code and not depend on someone reporting a violation to them. She stressed that the State should actively and consistently monitor violations of the Code through the supervisory authorities.

The WHO and UNICEF materials repeatedly stress that sanctions for Code violators should serve as a deterrent. In this context, she pointed out that sanction of thousands CZK do not pose any threat for large multinational companies that violate the Code (e.g. Nestlé Česko s.r.o. reported a profit of approximately CZK 11 billion in the Czech Republic last year). Since 2018, the RTLOs have only conducted three proceedings and issued only symbolic fines. She appreciated that the RRTV, which conducted four proceedings between 2009 and 2017 (see

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<sup>25</sup> For further details, see <https://apps.who.int/iris/bitstream/handle/10665/260137/9789241513470-eng.pdf>.

<sup>26</sup> For further details, see [https://apps.who.int/gb/ebwha/pdf\\_files/WHA69/A69\\_R9-en.pdf](https://apps.who.int/gb/ebwha/pdf_files/WHA69/A69_R9-en.pdf).

<sup>27</sup> Contacts to the relevant WHO and UNICEF representatives were forwarded to the MoH and MIT immediately after the Round Table through the OG CR.

<sup>28</sup> For further details, see <http://apps.who.int/iris/bitstream/handle/10665/259695/9789241513494-eng.pdf?sequence=1>.

<sup>29</sup> For further details, see [http://bankmleka.pl/userfiles/files/Raport\\_net\\_code\\_BMK\\_ENG\\_27\\_12\\_19net.pdf](http://bankmleka.pl/userfiles/files/Raport_net_code_BMK_ENG_27_12_19net.pdf).

<sup>30</sup> For further details, see <http://apps.who.int/iris/bitstream/handle/10665/259441/9789241513180-eng.pdf?sequence=1>.

Annex 3), imposed a fine of CZK 450 thousand in one of the cases. However, a long time elapses between the imposition of the fine and its payment, which undermines the deterrent effect. This is due to the lengthy review of the decision by administrative courts, which may even annul the fine. Therefore, it is necessary to focus also on the length and quality of the review process.

At the end of her presentation, A. Majerčíková drew attention to the several problems in the application of the existing legislation. It is not uncommon for an advertisement to refer to follow-on formula, but the visuals include a depiction of a child under 6 months of age (see Annex 8, slide 9). The ordinary consumer, who does not know the distinction between infant formula and follow-on formula, interprets such advertising as advertising for infant formula, which is prohibited in our legal system. It is also necessary to clarify the boundary between the innocent communication of mothers' opinions (without any connection to commercial entities) and advertising through influencers. The use of discounts as a promotional tactic should also be methodically addressed.

As a possible change of the supervisory authority may take years, it is important for the RTLOs as the current supervisory authorities to understand why breast-milk substitution regulation exists, what its content is, what the enforcement options are for existing legislation, and they must be encouraged to be proactive. Furthermore, she considers it necessary to clarify whether the RTLOs can intervene in the event of a breach of EU legislation, to which no sanctions are attached in the Czech legislation so far (i.e. at least by making it clear in the relevant cases that there is a breach of European legislation). It should also be stressed to the RTLOs that the amount of the fine should be a deterrent and that the RTLOs can impose a fine of up to CZK 2 million.

## **5. Facilitated discussion**

L. Hradecká suggested that the final discussion be based on the following five headings:

- Necessary legislative changes, in particular the inclusion of sanctions for violations of the rules enshrined in European regulations in the Advertising Regulation Act;
- Preparation of a methodological guideline for the RTLOs;
- Preparation of a methodological guideline for health service providers;
- Use of NetCode protocols in the Czech Republic;
- Ensuring the translation of relevant documents into Czech (and thus their availability to those who will be involved in the regulation).

J. Strakoš said that if the Code were to be implemented into Czech legislation as a whole, it would be preferable to have a new separate act rather than to go down the route of "splitting" various institutes from the Code into different acts. According to him, the Code cannot be implemented only in the Advertising Regulation Act, as advertising is only one form of marketing within the meaning of the Code. Therefore, it is logical that not even the RTLOs (if they remain the supervisory authority) can supervise the entire area of the Code; they can only supervise defective advertising if it meets the definition of advertising in the Czech Advertising Regulation Act. The supervision over other aspects of the Code and related unfair practices would rather fall under the Consumer Protection Act and, consequently, the Public Health Protection Act. He added that an amendment to the Consumer Protection Act, including an amendment to the Civil Code, would be discussed in the Chamber of Deputies in response to the European regulation on digital marketing. Consumer mentality and prevention are a key part of the solution, not just sanctions. In terms of sanctions, he also pointed out the possible unenforceability of fines in the case of foreign entities that have no enforceable assets in the Czech Republic. This can often be the case with foreign contracting entities especially in the

digital marketing sector. These digital bad actors may thus be “untouchable” from the point of view of the Czech administrative authorities.

A. Majerčíková said that most of the companies discussed had subsidiaries in the Czech Republic, so if there was will and initiative, it would be possible to sanction them.

J. Strakoš stated that the initiation of proceedings for an infraction is preceded by inspection activities, which are governed by somewhat different principles (the Inspection Rules). The administrative process is relatively complicated and the mechanisms of Czech administrative criminal law are difficult to enforce in practice, especially for foreign entities that operate only virtually in the Czech Republic. It would be advisable to invite the Ministry of the Interior, as the coordinator of administrative punishment, to a conceptual discussion on changing these mechanisms, or to address the adoption of international treaties, which are completely absent here and which could make the process more efficient. In any case, if the administration manages to initiate proceedings against the suspected entity and it does not have any assets in the Czech Republic, the Czech Tax Code does not allow enforcement abroad.

L. Lhotská stressed that it is necessary to distinguish between what can be solved immediately with the tools we have, i.e. in particular the existing Advertising Regulation Act and its possible amendment, and what will have to be solved afterwards through deeper systemic changes.

J. Strakoš again stressed that by the nature of the matter it is not possible to implement the entire Code into the Advertising Regulation Act, which deals solely with advertising. In response to L. Lhotská, he stated that the primary focus should be on what constitutes advertising in accordance with the Code and whether or not it is compatible with Czech or European legislation. In this respect, it would be appropriate to reflect some of the requirements from the comparative table (Annex 1 to the Code Motion) in the existing provisions of the Advertising Regulation Act, in terms of the regulation of advertising, not marketing as such. He reiterated that if we want to ensure better supervision, it should be provided by a more specialised authority, preferably bodies that fall under the MoH.

S. Slavíková recalled that, in view of the ongoing debate on the reduction of the number of employees of regional public health offices, the Chief Public Health Officer does not have a positive attitude towards the change of the supervisory authority. J. Strakoš noted that the planned reduction of staff and the associated risk of insufficient staff capacity for supervision also concerns the MIT, so it is not an argument if we really want to improve the legislation and supervision, which should be carried out by experts, not “non-health-professionals”.

A. Majerčíková, in response to L. Lhotská, stated that as long as the RTLOs pose as the supervisory authority, they need to be guided methodically and a specific methodological guidance needs to be created for them, which will shed light on the issue and which they will be able to use as a reference in their decision-making activities. She thinks that the minimum, which should be done as soon as possible, includes rectification of the current situation where sanctions for violation of certain rules resulting from European legislation are still not reflected in the Czech legal system. In view of the limited capacity of the MIT and the MoH, she offered assistance in preparing training for the RTLOs as well as in preparing background documents for the methodological guideline for the RTLOs and the methodological guidance for health workers and nurses.

J. Strakoš stated that the RTLOs have been methodically guided by the MIT for a long time and that they know the legislation and follow the current and effective legislation. In this regard, he added that this Round Table is dealing with something that is only one of the options, assuming that the RTLOs remain the supervisory authority. However, he thanked for the offer to send background documents and provide training for the RTLOs and offered A. Majerčíková

and L. Hradecká the opportunity to participate in the March training for trade licensing offices, where the RTLOs will be represented. He said that if the RTLOs remain a supervisory authority, the MIT will train and methodically guide them, but sanctions can only be imposed where there is a legal obligation that has been violated.

D. Hlišáková added that from the point of view of the RRTV, the biggest problem is not the sanctions, but the length and form of the court proceedings that follow the imposition of fines. Court proceedings take years and have a suspensive effect on fines. To illustrate, she cited a recent decision of the Supreme Administrative Court (hereinafter the “SAC”),<sup>31</sup> which dismissed in its entirety a cassation complaint concerning a fine of CZK 50 000 originally imposed by the RRTV in 2017 for airing an advertisement for Sunar.<sup>32</sup> The advertisement stated that *“vitamin A contributes to the proper functioning of the immune system. Alpha-linolenic acid contributes to brain development. Iron contributes to cognitive development in children. These characteristics are then highlighted and declared as a specific characteristic of Sunar by the following claim in the commercial communication: ‘Sharp brain, immunity, cognitive function and a sweet tooth. Who does he take after? Sunar.’ The consumer is thus persuaded that the above-mentioned composition of the product, which provides for specific needs of healthy development, is specifically and only the advantage of Sunar, even though these are substances that this type of product, i.e. follow-on formula, must contain by law. The advertisement misleads the consumer about the nature of the product and its supposed advantages by the way it is presented.”*<sup>33</sup>

HERO CZECH s.r.o. (the advertiser) defended itself against the fine before the Municipal Court in Prague, which annulled the contested decision and stated in its reasoning the judgment, inter alia, that *“the information about the ingredients contained in the product, i.e. vitamin A, alpha-linolenic acid and iron, appears only briefly and in such small print in the advertisement that even a highly observant consumer, who may certainly be a parent looking for a suitable follow-on formula for their young child, is unable to read the information, let alone register it sufficiently and form an appropriate mental construct.”*<sup>34</sup>

D. Hlišáková stated that the RRTV cannot agree with this assessment, because advertisements of this type – as the Report presented in the third point of the Round Table shows – are massively widespread and it can be assumed that the consumer, especially the vulnerable group of parents of young children who try to get the best for their children, encounters this type of advertising many times and repeatedly. Therefore, even the average consumer is able to safely identify the potentially dangerous messages contained in a given commercial communication. In its cassation complaint, the RRTV argued, inter alia, that it considered the court’s conclusion unclear and internally contradictory, and at the same time emphasised the negative impact of the contested judgment on its future decision-making practice, *“which has been significantly shifted and limited by this decision in relation to the legal obligations related to consumer protection”*.<sup>35</sup>

A. Majerčíková suggested considering the training of judges and recommends consulting the Ministry of Justice for this purpose. D. Hlišáková said that she would welcome this possibility

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<sup>31</sup> For further details, see

[https://www.nssoud.cz/files/SOUDNI\\_VYKON/2020/0344\\_1As\\_2000038S\\_20220217151015.pdf](https://www.nssoud.cz/files/SOUDNI_VYKON/2020/0344_1As_2000038S_20220217151015.pdf).

<sup>32</sup> For further details, see <https://www.rrtv.cz/files/Pokuty/1a508aa6-4b76-4454-80f9-194dfb29150d.pdf>. (A brief summary of the RRTV decision in question is also attached as Annex 3 to these minutes).

<sup>33</sup> Cited according to the judgment of the SAC.

<sup>34</sup> For further details, see <https://www.rrtv.cz/cz/files/judikaty/0210ac32-bda4-4ad4-b8cf-eb46ee4e7e38.pdf>.

<sup>35</sup> Cited according to the judgment of the SAC.

and would inform the supervisory authority and the RRTV about it. L. Hradecká added that the inclusion of the Ministry of Justice, and in turn the training of judges, could be recommended to the Council as one of the outcomes of this Round Table.

J. Strakoš stressed that the European regulations were directly applicable and binding. Ensuring sanctions for their violation would, in principle, only be a matter of a minor modification of the sanction provisions in the Advertising Regulation Act. He declared the MIT's willingness to participate in the translation of relevant methodological documents (presented in the previous point) into Czech. However, he pointed out the limited financial resources of the MIT, which would have to be adapted to the prospective scope of the translation. He further pointed out that even the methodology for the RTLO is always only of a recommendatory nature, as only the court gives a binding interpretation of the law. In response to D. Hlišáková's contribution, he stated that the mechanisms of Czech administrative criminal law are cumbersome. When the RTLOs for once reach a successful conclusion and sanction the subject, the administrative court usually steps in, which may, moreover, reach a conclusion that may be unacceptable from the MIT's point of view. An example of such a situation, which has a fundamental impact on the decision-making practice of the RTLOs, is the decision of the SAC concerning advertising of electronic cigarettes.<sup>36</sup>

L. Hradecká recommended that the Working Group on Obstetrics and Midwifery, or the Council, be involved in the preparation of the methodological guidance, especially through A. Majerčíková, and she recalled similar co-operation between the MIT and the Council in the past regarding the methodological guidance on recognising sexism in advertising.<sup>37</sup> L. Hradecká offered to check the possibility of the Department, or the OG CR, to provide funds for the Czech translation of the documents discussed so that they would be accessible to persons who would be involved in the regulation.

A. Majerčíková stressed that the obligations arising from European regulations, such as the ban on nutrition and health claims, are essential. Violations of these rules also occur in the Czech Republic, so it would be desirable to clearly define to whom such violations should be reported. However, without sanctions, enforcement of these obligations will still be toothless.

S. Slavíková added that she considered the availability of relevant documents in Czech to be important. The MoH would first have to consult with the Department of International Cooperation and European Union on the possible contribution to the financing of the Czech translation of the relevant materials. She also expressed concern that the methodological guidance for health service providers would have the same effect as the dysfunctional self-regulation mentioned in the previous points, i.e. no effect at all. Unless the obligations for health professionals under the Code are anchored in legislation, preferably through the Health Services Act, they cannot be effectively enforced. She stated that she had not had the opportunity to sufficiently learn about the NetCode protocols and was unable to contribute to the discussion at this time as to what their use would entail for the MoH in terms of personnel and finances.

J. Strakoš asked A. Majerčíková about Article 5.1 of the Code; specifically, he asked about the precise meaning of the following sentence: *"There should be no advertising or form of promotion of products within the scope of this Code to the public."*

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<sup>36</sup> For further details, see <https://sbirka.nssoud.cz/cz/regulace-reklamy-reklama-na-elektronicke-cigarety.p4008.html?q=>.

<sup>37</sup> For further details, see

<https://www.mpo.cz/assets/dokumenty/55757/63940/656321/priloha001.pdf?fbclid=IwAR0SZkeTT67b3fnj0t4sEMqeJtsl-tqYqidYakXo1jaO19kctmyegcVkc2E>.

A. Majerčíková replied that Article 5.1 emphasises that no advertising of products within the scope of the Code is permissible. The conditional wording was used in the Article because the Code was originally adopted in the form of a recommendation in 1981. However, the status of the Code in international law has changed. The obligation of countries to implement and enforce the Code and its related resolutions and the obligation of private companies to comply with the Code and its related resolutions are mentioned by the UN treaty bodies in their general comments<sup>38</sup>. These obligations can now be described as part of international human rights law.<sup>39</sup>

When asked what act would be the most appropriate platform for consistent implementation of the Code, A. Majerčíková said that she could imagine several options and did not necessarily insist on the creation of one special act. She sees the amendment to the Advertising Regulation Act as a basis for implementing the Code. She would consider a related amendment to the Public Health Protection Act and an amendment to the Health Services Act to be appropriate in terms of anchoring the obligations of health professionals. J. Strakoš agreed that the Code should also be implemented into the Public Health Protection Act. In any case, in his opinion, it should be primarily implemented through an act (or acts) under the competence of the MoH. S. Slavíková would consider it appropriate to first amend the Advertising Regulation Act by incorporating sanctions for breaches of obligations under European regulations. Only then she would seek to incorporate the remaining obligations from the Code into other acts. J. Strakoš added that the prohibition of nutrition and health claims is a matter of food law and falls primarily under the competence of the Ministry of Agriculture, more specifically the CAFIA (Czech Agriculture and Food Inspection Authority). He also stressed that in the case of the introduction of new administrative penalties and obligations, the MoI, as the coordinator for administrative penalties, must ensure that the new regulation is not fragmented into a multitude of legal regulations and that it is transparent for the administrative authorities. In this perspective, it would be appropriate to incorporate the Code into an existing legal regulation or to create a new separate act under the responsibility of the MoH. D. Hlišáková said that in order to facilitate the decision-making practice of administrative authorities, she would also like to see the Code preferably incorporated into a single regulation.

L. Lhotská responded that she had experienced this debate many times during her practice. Negotiations focused on one single act have always taken a disproportionately long time and have rarely led to its creation. The individual actors were continuously shuffling responsibility over such an act between themselves and kept arguing about who should “end up” with the act. On the other hand, what usually helped was to proceed in smaller parts – i.e. to look for where individual provisions of the Code could be incorporated into existing legislation. Based on her experience, she also considers it legitimate and important to try to proceed without delay with partial adjustments that are possible and easy to implement at the time. This is how a shift in other countries and a better awareness of the actors involved was achieved in other

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<sup>38</sup> See the general comments of the UN Committee on the Rights of the Child and the UN Committee on Economic, Social and Cultural Rights (<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhsqlkirKQZLK2M58RF%2F5F0vHCIs1B9k1r3x0aA7FYrehINUfw4dHmIOxmFtmhaiMOKH80ywS3uq6Q3bqZ3A3yQ0%2B4u6214CSatnrBIZT8nZmj>, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fG16&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fG16&Lang=en), <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmIBEDzFEovLCuW1a0Szab0oXTdlmnsJZZVQclMOuuG4TpS9jwlhCJcXiuZ1yrkMD%2FSj8YF%2BSXo4mYx7Y%2F3L3zvM2zSUBw6ujlnCawQrJx3hIK8Odk6DUwG3Y>).

<sup>39</sup> See the [judgment](https://www.icj-cij.org/public/files/case-related/103/103-20101130-JUD-01-00-EN.pdf) of the International Court of Justice in the Ahmadou Sadio Diallo case from 2010 (<https://www.icj-cij.org/public/files/case-related/103/103-20101130-JUD-01-00-EN.pdf>).

countries, which in some cases eventually led to the creation of a separate act. Therefore, she would recommend that the question not be an “either/or” one, but rather to go down the path of what is possible and easily feasible right now, and only then to evaluate whether to choose the path of a full-fledged separate act.

J. Strakoš said that clarity was important not only for supervisory authorities. Clarity and legal certainty are essential for the addressees of these standards to know where individual obligations are enshrined.

L. Lhotská replied that multinational companies have a huge apparatus of lawyers and are very well informed about regulation. In her practice, she has seen the call for clarity abused as an excuse or a proxy to delay, mitigate or prevent regulation.

In this context, the MIT and the MoH were asked how they plan to avoid conflicts of interest, or how they will ensure that further work on the implementation of the Code will be carried out without commercial influence. S. Slavíková replied that the exclusion of conflicts of interest is part of the internal regulations. Companies have the opportunity to submit their comments only in the framework of the inter-ministerial, not internal, comment procedure. She stated that she was not aware that comments from external bodies were made public by the MoH. J. Strakoš added that impartiality is ensured through the Civil Service Act and that the MIT follows the Government’s Legislative Rules when drafting acts. M. Orlová said that she was not aware of the possibility that anyone external would interfere in the phase when an act is being drafted at the working level at the Ministry.

L. Hradecká said that the interest of representatives of breast-milk substitute producers<sup>40</sup> in participating in this Round Table was communicated to the OG CR through an employee of the Department of Trades and Consumer Legislation of the MIT. The OG CR refused their participation on the grounds that it is not desirable at this stage to involve entities that have a demonstrable commercial interest in the matter. Similarly, according to the WHO recommendations, it is inappropriate for entities with a conflict of interest, i.e. those sponsored by producers of breast-milk substitutes, to intervene in the regulatory debate on the subject.

A. Majerčíková stressed that it was likely that producers will initiate the contact themselves and propose their solutions to the ministries. The WHO and UNICEF are also aware of this risk. Therefore, it is important, at least in her opinion, that the ministries are prepared for this, have any comments from manufacturers and responses to them well documented in writing, and give manufacturers the opportunity to submit their comments during the inter-ministerial comment procedure at the earliest.

At the end of the discussion, L. Lhotská and A. Majerčíková responded to S. Slavíková’s concerns about the non-functionality of the methodological guidance for health service providers. A. Majerčíková stressed that the obligations arising from the Code would be easier to understand if they could be defined by the Ministry of Health as an authority in the field of health and health care (although they will not yet be legally enforceable). L. Lhotská said that the methodological guidance for health care providers could help health care professionals to better understand what is good practice and what is (or is not) professional conduct in this area in accordance with the principles of medical ethics. At the same time, it would help medical teams and external bodies in monitoring and would allow them to better draw attention to possible – albeit unintentional – oversights. According to the findings of the Report presented in the third item of the Round Table, one of the most effective ways of marketing is to convey marketing messages directly through health personnel, who are the main source of information

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<sup>40</sup> Specifically, it was the Czech Association for Branded Products, z.s.

for parents on nutrition and feeding of their children. From this perspective, the methodological guidance for health professionals is justified despite its merely recommendatory character.

S. Slavíková said that she was the only person responsible for the agenda of the implementation of the Code at the Ministry of Health and due to limited capacities, she would welcome if A. Majerčíková helped her to prepare the draft methodological guidance. A. Majerčíková agreed to provide the necessary assistance to the MoH.

L. Hradecká thanked those present for their active participation and closed the Round Table.

## **Annex to the minutes**

**Annex 1** Code Motion, including the annexes below; marked (a) to (f) for the purposes of the minutes

- Annex 1a Implementation of the Code and related resolutions in European and Czech legislation
- Annex 1b Rules on the promotion and distribution of infant formula to be observed by infant formula manufacturers from 2014
- Annex 1c List of contracts concluded since 2018 between hospitals (maternity hospitals) established directly by the Ministry of Health and manufacturers of breast-milk substitutes with a value exceeding CZK 50 000
- Annex 1d Selected examples of breaches of the Code since 2018
- Annex 1e Order of the Department of Trade Licence and Civil Law Issues of the Prague City Hall dated 8 November 2018, ref. No MHMP 1727391/2018
- Annex 1f Decision of the Department of Trade Licence and Civil Law Issues of the Prague City Hall dated 14 April 2020, ref. No MHMP 204180/2020

**Annex 2** Czech translation of the Annex *“Scope and impact of digital marketing strategies for promoting breastmilk substitutes”* from the WHO report of 29 December 2021

**Annex 3** Overview of administrative proceedings and fines imposed by the RRTV

**Annex No 4** Decision of the RRTV, file No 2016/963/had/HER (Sunar advertisement)

**Annex 5** WHO and UNICEF report *“How the marketing of formula milk influences our decisions on infant feeding”*

**Annex 6** *Effective regulatory frameworks for ending inappropriate marketing of breast-milk substitutes and foods for infants and young children in the WHO European Region (2022)*

**Annex 7** Presentation by L. Hradecká on the summary of the content and conclusions of the new WHO and UNICEF report

**Annex 8** Presentation by A. Majerčíková on the implementation, monitoring and enforcement of the Code and related resolutions

## Summary of the Round Table conclusions for the Council

### Participants of the Round Table:

- recognise the growing scale and urgency of unethical marketing of breast-milk substitutes and its major negative impact on public health.
- In order to protect the health of children and women, to protect human rights, and to be able to make decisions about the type of child's diet based on the right to impartial and truthful information, they consider it necessary to consistently implement the Code and its related resolutions.
- appreciate the high quality of the Code Motion and recommend the MIT and the MoH to use Annex 1 to the Code Motion containing an overview of the implementation of the Code and related resolutions in European and Czech legislation.
- support the discussion of the MIT and the MoH on the change of the supervisory authority and the broader discussion on the creation of a possible new special act, but demand that these should not block the possibility of priority implementation of the first steps towards a more consistent implementation of the Code and related resolutions, in particular:
  - o inclusion of sanctions for violations of the rules enshrined in European regulations in the Advertising Regulation Act;
  - o provision of methodological guidance to the RTLOs as the existing supervisory authority through training and the creation of a related methodological guidance document;
  - o creation of a methodological guidance document for health service providers;
  - o provision of training for judges of administrative courts.
- welcome the opportunity to benefit from the co-operation of the representative of the Working Group on Obstetrics and Midwifery and the IBFAN in the development of the above guidance documents and training.
- draw attention to the need for sufficient staff and expert capacities at the MIT and MoH for the implementation of the Code and related resolutions.
- recommend that Czech translations of relevant WHO, UNICEF and IBFAN methodological documents be prepared and made available to those involved in the regulation (NetCode protocols and others).

In Prague on 6 May 2022

Recorded by: Lucie Hradecká, Secretary of the Working Group on Obstetrics and Midwifery  
Approved by: participants of the Round Table

In Prague on 13 May 2022