

DO's and *DON'Ts* in UK ETG Meetings

The ETG has to ensure that all its activities are conducted in strict compliance with applicable competition law. This checklist must be kept in mind by all persons involved in ETG meetings so as to help ensure full meeting compliance in accordance with competition law as well as the ETG Competition Law Guidelines.

Before attending ETG meetings, please make sure that you have read carefully the ETG Competition Law Guidelines. At ETG meetings or conferences please have this checklist at hand for quick reference.

Note that this 'Do's and Don'ts checklist is not exhaustive. Any queries or doubts about this checklist or about whether a particular course of action might infringe competition law should be checked again against the full Competition Law Guidelines. If in doubt, they should be referred to the Secretariat and/ or to an ETG Board Member to consult, if needed, the relevant legal adviser.

DO...

Meeting preparation

Consult in advance the written agenda describing the subject(s) of the meeting;

- All agendas should be available to all members that normally attend a meeting (as well as on request) well in advance of the meeting,
- A staff representative or officer of the Association should normally be present at each meeting;
- Limit meetings discussions to topics on the agenda;
- Register any competition concerns or issues to the ETG Secretariat, and consult with the relevant Workgroup chair and /or an ETG Board Member if you have any further questions in relation with competition law.

Recordkeeping

- Ensure that minutes do accurately reflect both attendance and discussion of items in the Agenda. Draft minutes should be developed and circulated to attendees before the next meeting. Please take time to review and comment on them.
- Have the relevant body (e.g. taskforce, action group, committee) formally approving the minutes at the next meeting, so that they be then posted on the Association's intranet members site;
- Agendas, minutes and other important documents should be reviewed by the secretariat and meeting chair in advance of dispatch.

Vigilance

- Ask for discussions about sensitive matters such as suppliers, contractors or customers (see opposite) to be stopped, so that an appropriate legal review can be made;
- Ask for meeting activities which appear to violate the competition law guidelines and/or this checklist to be stopped, again so that appropriate legal reviews can be made. Dissociate yourself from any such discussions or activities;
- Leave any meeting in which any such discussions or activities continue (and have it minuted);

Authorised topics

- You are free to discuss about non-confidential and non-commercial technical and / or scientific issues relevant to industry (tax, legislation, quality, health, HSE, corporate, social responsibility, regulatory compliance);
- You are free to exchange information about industry institutional relations, general promotional opportunities and public relations activities.

DON'T...

Do not, in fact or in appearance, discuss or exchange information which would not be in compliance with competition law.

For example on:

Investment, divestment & Futures plans

- *Information relating to future plans of individuals companies concerning investments or divestments (e.g. installation shutdowns, capacity closure, expected use of production capacity, expansion plans or market entry or exit) unless that information is already in the public domain;*
- *Intentions to bid or not to bid;*
- *Intentions to enter or not certain markets;*
- *Distribution or marketing of particular product including new customers.*

Pricing information

- *Individual company or industry prices, price changes, price differentials, margins, price mark-ups, discounts, allowances, credit terms, rebates, commission rates, price changes, terms of sale including enforcing resale prices;*
- *Individual company data on costs, production capacity (other than nameplates capacities), inventories, sales.*

Costs & Production data, including

- *Plans of individual companies concerning the design, production, distribution or marketing of particular products, including proposed territories or customers;*
- *Changes in industry production capacity (other than nameplates capacities) or inventories and the like;*
- *Overhead or distribution costs, costs accounting formulas, methods of computing costs.*

Market information

- *Company bids and procedures for responding to bid invitations;*
- *Matters relating to actual or potential individual suppliers or customers or to business conduct of firms toward them;*
- *The identity of customers or suppliers which may be not authorised by your Company/Organisation;*
- *Territorial allocations or the concept of "home" markets.*

Transportation rates

- *Rates or rate policies for individual shipments, zone prices, freight etc.*

And finally...

- *Be sensitive to appearances created through contacts with competitors;*
- *Be careful of not disclosing data submitted in confidence to the ETG, unless (1) it does not reveal the identity any individual participant or 2) is in aggregated form which does not permit data of any individual participant to be deduced from the aggregated data.*
- *At social gatherings, limit discussions to social rather than business issues, unless the information is already in the public domain.*