

## Antitrust Policy and Guidance at Meetings

### **ANTITRUST ISSUES EXPLAINED**

While some activities among competitors are both legal and beneficial to the industry, group activities of competitors are inherently suspect under the anti-trust laws. Agreements or combinations between or among competitors need not be formal to raise questions under anti-trust laws, but may include any kind of understanding, formal or informal, secretive or public, under which each of the participants can reasonably expect that another will follow a particular course of action.

Each of you is responsible to see that topics which may give an appearance of an agreement that would violate the anti-trust laws are not discussed at your meetings. It is the responsibility of each participant in the first instance to avoid raising improper subjects for discussion. This reminder has been prepared to assure that participants in meetings are aware of this obligation.

The DOs and DON'Ts presented below highlight only the most basic anti-trust principles. Each participant in a meeting should be thoroughly familiar with his/her responsibilities under the anti-trust laws and should consult counsel in all cases involving specific situations, interpretations or advice.

### **DON'T**

DO NOT, in fact or appearance, discuss or exchange information regarding:

- individual company prices, price changes, price differentials, mark-ups, discounts, allowances, credit terms, etc., or data that bear on price, e.g. costs, production, capacity, inventories, sales, etc.
- industry pricing policies, price levels, price changes, differentials, etc.
- changes in industry production, capacity or inventories.
- bids on contracts for particular products; procedures for responding to bid invitations.
- plans of individual companies concerning the design, production, distribution or marketing of particular products, including proposed territories or customers.
- matters relating to actual or potential individual customers or suppliers that might have the effect of excluding them from any market or of influencing the business conduct of firms toward such suppliers or customers.

DO NOT discuss or exchange information regarding the above matters during social gatherings incidental to meetings, even in jest.

### **DO**

- Have an agenda and adhere to the prepared agenda for all meetings.
- Get minutes taken and object if they do not accurately reflect the discussion and actions taken.
- Protest against any discussions or meeting activities which appear to violate the anti-trust laws; disassociate yourself from any such discussions or activities and leave any meeting in which they continue.
- Refer to appropriate legislation such as EU legislation  
[http://ec.europa.eu/competition/publications/factsheets/antitrust\\_procedures\\_101\\_en.pdf](http://ec.europa.eu/competition/publications/factsheets/antitrust_procedures_101_en.pdf)