

COMPETITION LAW CHECKLIST FOR MEETINGS

DON'T	DO
<p><u>Towards your competitors:</u> Do not, in fact or appearance, discuss, provide or exchange commercially sensitive information <i>with competitors</i>, including for example information on:</p> <ul style="list-style-type: none"> • Prices, including individual pricing, contemplated price changes, discounts, remunerations, credit terms etc. • Productions and sales, including individual company plans and data on production, costs, capacity, inventory, distribution, sales figures, marketing strategies etc. • Transportation rates, for examples rates or rate politics for individual shipments, including basing point systems, zone prices, freight etc. • Marketing procedures, including the company's bidding strategy in relation to certain contracts, the company's procedures for tender processes, blacklisting or boycott of customers or suppliers, information on matters which may affect the company's commercial conduct towards actual or potential customers or suppliers. <p><u>Towards your distributors:</u> Do not, directly or indirectly, towards a <i>distributor</i>:</p> <ul style="list-style-type: none"> • Set binding resale prices (including by e.g. determining fixed resale prices, minimum resale prices or granting discounts etc. in order to make a distributor maintain a certain price level). • Prohibit passive sales, i.e. for example by prohibiting a distributor selling to a customer who unsolicited addresses the distributor. • Prohibit general Internet advertising, which, in relation to the distributor's own customer groups and areas, is deemed reasonable (this is viewed as a prohibition against passive sales). 	<p>Ensure strict performance in areas of:</p> <p><u>Oversight / Supervision:</u></p> <ul style="list-style-type: none"> • Have a group representative at each meeting. • Consult with appropriate counsel on all questions which might be related to competition law. • Limit meeting discussions to agenda topics. • Provide each attendee with a copy of this checklist, and have a copy available for reference at all meetings. <p><u>Record keeping:</u></p> <ul style="list-style-type: none"> • Have an agenda and minutes, which accurately reflect the matters discussed. • Ensure the review of agendas, minutes and other important documents by appropriate staff or counsel, in advance of distribution. • Fully describe the purposes, structures and authorities of the company/group. <p><u>Attentiveness:</u></p> <ul style="list-style-type: none"> • In the case of topics subject to any discussion or meeting activities which appear to violate this checklist; ask for such activities to be stopped so that the appropriate legal check can be made by legal counsel and disassociate yourself from any such discussions or activities. Have your objection recorded in the minutes of the meeting, should the discussions violate this checklist; leave the meeting, should such discussions continue and have this recorded in the minutes of meeting. <p><u>Fringe meetings:</u></p> <ul style="list-style-type: none"> • Be particularly cautious about competitive information being exchanged in informal gatherings and fringe meetings before/after trade association meetings. • If such competitive information is discussed, make your objection known, leave the conversation and secure evidence of your behaviour

Signed by attendees on a meeting dated ___/___ 2016
