

COMPETITION LAW CHECKLIST FOR MEETINGS

DON'T	DO
Do not, in fact or appearance, discuss or exchange commercially sensitive information with other companies, contrary to competition law, including for example information on:	Ensure strict performance in areas of:
<p style="text-align: center;"><u>Prices, including:</u></p> <ul style="list-style-type: none"> • Individual company / industry prices, significant raw materials prices, price changes, price differentials, discounts, allowances, credit terms etc. • Individual company data on costs, production, capacity, inventories, sales etc. 	<p style="text-align: center;"><u>Oversight / Supervision</u></p> <ul style="list-style-type: none"> • Have a Sector Group – Affiliated Groups Secretariat 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 style="text-align: center;"><u>Productions, including:</u></p> <ul style="list-style-type: none"> • 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 etc. 	<p style="text-align: center;"><u>Recordkeeping:</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 group
<p style="text-align: center;"><u>Transportation rates:</u></p> <ul style="list-style-type: none"> • Rates or rate politics for individual shipments, including basing point systems, zone prices, freight etc. 	<p style="text-align: center;"><u>Vigilance:</u></p> <ul style="list-style-type: none"> • Object 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 discussion or activities. For the attendees of a meeting at which discussions appear to violate this checklist, have your objection recorded in the minutes of the meeting; leave the meeting should such discussions continue and have this recorded in the minutes of meeting.
<p style="text-align: center;"><u>Market procedures, including:</u></p> <ul style="list-style-type: none"> • Company bids for contracts for particular products, company procedures for responding to bid invitations • Matters relating to actual or potential individual suppliers or customers influencing the business conduct of firms toward them etc. • Blacklist or boycott customers or suppliers 	<p style="text-align: center;"><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 meeting • If such competitive information is discussed, make known your objection and leave the conversation