

Competition Law Policy and Checklist

This antitrust checklist is for use by ECARA members in the conduct of meetings and ones in which ECARA participates as an association and represents the consensus view of the members. The ECARA objective is to avoid even the appearance of impropriety. Prohibited discussion topics apply equally to social gatherings incidental to ECARA meetings. Antitrust violations can result in severe criminal and civil penalties for trade associations, companies and individuals. This list is not exhaustive and is not intended to address activities other than ECARA meetings.

ENSURE ECARA meetings have appropriate oversight and supervision through the presence of the (subgroup) chairperson or a minute writer.

INSIST ON accurate and timely record keeping.

BE VIGILANT about the antitrust preventative measures listed below:

- Notify and seek approval from antitrust counsels on all antitrust questions if necessary.
- Circulate an agenda prior to each meeting, preferably with the meeting notice. Limit meeting discussions to the agenda topics.
- Obtain prior review and approval by a counsel of meeting agendas, minutes and other meeting materials.
- Provide this checklist to attendees at ECARA meetings.
- Protest against discussions and meeting activities that may violate this checklist.
- Discontinue discussions and consult with counsel when antitrust compliance issues arise.
- Ensure committee minutes accurately reflect the meeting and individuals who attended.
- In writing meeting minutes, you may use action items rather than including more details.

DON'T ENCOURAGE OR ENGAGE IN secret, "rump" or unofficial meetings with other ECARA members to exchange ECARA related information or discuss subjects relevant to other ECARA members excluded from these meetings.

NEVER DISCUSS or exchange information on:

- Company or competitor prices, price changes or differentials, markups, discounts, allowances, credit terms, warranties, or terms or conditions of sale or lease.
- Company or competitor data on costs, production, capacity, inventories or sales.
- Company or competitor plans for product design, production, distribution or marketing, including proposed territories or customers.

- Production, capacity or inventory changes.
- Rates or rate policies for product shipments, such as basing point systems, zone prices, or freight equalization.
- Company bids on contracts for products or procedures for responding to bid invitations.
- Actual or potential suppliers, distributors, or customers that may result in their exclusion from the market or influence the business conduct of any firm toward them.
- Matters that your company considers confidential or sensitive.

ECARA unequivocally support the policy of competition served by the competition laws in the EU and around the world, and uncompromisingly state that they intend to comply strictly with such laws.

With that in mind, ECARA has established this document to help ensure that all activities are conducted well within the limits of competition law, and requires that all members strictly abide by this checklist both at formal and informal meetings.