

## Competition law guidelines for associations

These guidelines address participants in meetings of association committees (employees of the management office, representatives of member companies etc.).

The competition rules apply to all discussions, understandings and agreements as well as verbal and written exchanges. These guidelines are *not exhaustive*. They do not release members from the duty to carefully investigate individual cases of potential anti-competitive conduct. The guidelines are published on the scienceindustries website.

DO	DON'T
<ul style="list-style-type: none"> <li>• <b>Agenda items:</b> The agenda items for meetings must be limited to topics permitted under competition law.</li> <li>• <b>Discussions:</b> Participants should and are allowed to share their experiences. The following are generally considered unproblematic: <ul style="list-style-type: none"> <li>- non-confidential, industry-relevant technical issues, e.g. standards, environmental issues, corporate social responsibility, health and safety issues, regulatory developments;</li> <li>- publicly available information on market trends;</li> <li>- public relations work and representation of the interests of companies.</li> </ul> </li> <li>• <b>Minutes:</b> Minutes must be kept of meetings of association committees.</li> <li>• <b>Communication:</b> For association communications (e.g. internet, membernet, e-mails, minutes, presentations, etc.), the controller has to ensure compliance with competition law.</li> <li>• <b>Procedure in case of doubt:</b> If meeting participants identify statements that are critical under competition law, the meeting chair must be notified and the corresponding discussion has to be brought to an end. Meeting participants are required to leave ongoing discussions on issues critical under competition law. Requests to break off the discussion and leave the meeting must be recorded in the minutes.</li> <li>• Actions that may be potentially relevant under competition law must be legally clarified <b>in advance</b> by a suitable unit with regard to their permissibility (e.g. justification for reasons of economic efficiency).</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Prices and costs:</b> Communication regarding price changes, price strategies, sales conditions, price surcharges, discounts, allowances, credit conditions, minimum prices, price ranges, production or distribution costs, cost calculation formulas, methods for calculating prices.  This does not apply to maximum prices <i>set by the state</i>, e.g. maximum prices decreed by the Federal Office of Public Health for medicinal products that are reimbursed by mandatory health insurance, as well as the corresponding state regulations.</li> <li>• <b>Quantities:</b> Communication regarding the limitation of production, procurement or delivery quantities.</li> <li>• <b>Areas:</b> Communication regarding the division of markets by areas or business partners.</li> <li>• <b>Disproportionate obstruction to or prevention of market entry</b> by competitors or companies at upstream or downstream market levels.</li> <li>• <b>Refraining from competitive actions</b> towards competitors (e.g. agreement not to undercut each other's prices).</li> <li>• Exchange of <b>non-publicly</b> accessible information regarding the competitive conduct of member companies, insofar as this would significantly impair or eliminate competition, as well as the exchange of business secrets.</li> </ul>