

## COMPETITION COMPLIANCE **DO'S AND DON'TS**

These ETB DO'S AND DON'TS rules are there to ensure compliance with national and European competition laws in everything we do. Members of the ETB are expected to be aware and must abide by these rules at all times. These rules are non-exhaustive, ETB members are collectively and individually responsible for ensuring compliance with applicable competition rules.

### **DO**

- Any discussions or information exchanged with the ETB or between members should be limited to what is strictly necessary for the activities of the ETB and restricted to the goal and purpose of the ETB. A strict need-to-know principle applies to all of the activities of the ETB. This means there must be (a) a good and case-specific objective justification for sharing the information and that (b) the list of recipients should be limited to only those recipients who really need the information in light of that justification.
- For each ETB meeting: (1) prepare a precise agenda (avoid terms like “miscellaneous”); (2) have the agenda approved beforehand by legal; (3) circulate the agenda beforehand and stick to the agenda during the meeting (no off-the-record discussions); (4) start each meeting with a compliance reminder; and (5) draft and circulate minutes that accurately reflect what is discussed; and (6) keep records.
- Compliance is a shared responsibility of all the members. Object to any discussions or meeting activities which appear to violate these guidelines. Consult with company counsel or specialised counsel on all questions related to competition law.

### **DO NOT**

- Competitive behaviour should never be discussed between competitors. The ETB should never become a vehicle for collusion or coordination between competitors, or to blacklist or boycott customers or suppliers.
- Members should never exchange commercially sensitive information. Various non-public information can be considered commercially sensitive, such as information on (future) pricing, costs, margins, rebates, allowances, other commercial conditions (e.g. credit terms), bids, capacity, inventories, future business plans and strategies, wages, etc.