

Do's and don'ts for a Competition Safe Environment

Do's

Ensure strict performance in the areas of:

Oversight/supervision

- ☒ Have a Secretariat representative at each meeting;
- ☒ Consult with appropriate counsel on all questions related to competition law;
- ☒ Limit meeting discussions to agenda topics;
- ☒ Provide each attendee with a copy of a checklist and have a copy available for reference at all meetings.

Recordkeeping

- ☒ Have an agenda and minutes which accurately reflect the matters that occur;
- ☒ 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 groups.

Vigilance

- ☒ Protest any discussion or meeting activities which appear to violate this checklist;
- ☒ Ask for those activities to be stopped so that appropriate legal check can be made by counsel;
- ☒ Disassociate yourself from any such discussion or activities and for the attendees, leave any meeting in which they continue (and have it minuted).

Don'ts

Do not, in fact or appearance, discuss or exchange information not in conformity with competition law, including for example on:

Prices, including:

- ☒ Individual company/industry prices, price changes, price differentials, discounts, allowances, credit terms, etc.;
- ☒ Individual company data on costs, production, capacity (other than nameplates capacities), inventories, sales, etc.

Production, including:

- ☒ Plan 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.

Transportation rates:

- ☒ Rates or rate policies for individual shipments, including basing point systems, zone prices, freight, etc.

Market procedures, including:

- ☒ Company bids on contracts for particular products; company procedures for responding to bid invitations;
- ☒ Matters relating to actual or potential individual suppliers or customers that might have the effect of excluding them from any market or influencing the business conduct of firms toward them, etc.;
- ☒ Blacklist or boycott customers or suppliers