

Advanced Well Standards Group

Competition Law Compliance – Guidelines for AWES meetings and related member interactions

Trade associations are by their nature places where competitors may meet and engage for a number of legitimate reasons. However, this means that AWES members must be aware of the impact of competition law on activities and interactions within AWES.

Competition laws prohibit agreements, understandings and practices which restrict competition between businesses. Breaches of competition law can lead to severe penalties including fines and imprisonment of individuals for participating in cartels (e.g. price-fixing, customer-sharing, bid-rigging), extensive fines of hundreds of millions of dollars/euros on companies and damages actions in the courts.

AWES's policy is to strictly adhere to competition law. Therefore, attendees must not discuss (and certainly not make any agreement in relation to) any matters which impact on how companies compete with each other. Passing on, receiving or exchanging commercially sensitive information can infringe competition laws. The most important examples are below (but this is not an exhaustive list):

- Business strategy
- Prices, including aspects of pricing policy
- Terms & Conditions of Sale
- Costs
- Profits or Profit Margins
- Product or Service Offerings
- Production or Sales Volume
- Production Capacity
- Market Share
- New products and product introduction strategies
- New technologies under development
- Decisions to Quote or Not to Quote
- Customer or Supplier Classification or Selection
- Sales Territories
- Distribution Methods

It is also important to follow best practice in meetings so their legitimacy is clear. Consequently, it is important that:

1. All meetings must have an agenda setting out the legitimate topics for the meeting
2. Meetings must be well managed so that they do not stray from the agenda
3. A minute should be taken of meetings.
4. If a potentially competitively sensitive issue is raised by an attendee, discussion of it should be stopped immediately and the fact no discussion took place recorded in the minutes. If attendees are unsure as to the legitimacy of a topic, they should also cease discussion and seek legal advice. If any attendee persists in an attempt to discuss any such issue the meeting must be terminated.

Finally, members are reminded in the strongest terms that any discussion of the topics forbidden for AWES meetings remains just as problematic outside the context of the main meeting, whether in working groups, coffee breaks, over lunch or at any social function.