



## ACE Competition law compliance policy

(February 2016)

### Events and Meetings of ACE Group companies including Working Groups, SIGs and Regional Groups (“Groups”) – Competition Law Compliance Policy

Activities conducted by or within a trade body are subject to competition rules. Members need to be aware of the way in which the rules impact on membership activities and to ensure as far as possible that they are not breached.

In summary, the UK Competition Act 1998 prohibits agreements between undertakings, decisions by associations of undertakings or concerted practices which may affect trade within the United Kingdom and have as their object or effect the prevention, restriction or distortion of competition within the United Kingdom. Additionally, EU legislation prohibits such arrangements in so far as they affect trade between EU member states.

Both trade bodies and their members may be liable for breaches of competition law and may face significant fines or reputational damage. In serious cases directors or senior executives may face criminal sanctions.

ACE Group (including ACE, EIC and VSCL) takes seriously its obligation to comply with competition law and, therefore, insists that its staff and members adhere to a competition policy. Members are required to adhere to the following requirements at all relevant times:

- Members must not discuss any competitively sensitive information in or around ACE Group meetings or events, including at unofficial meetings or social events or when representing ACE Group at industry events. Whilst not an exhaustive list, this may include:
  - Agreeing or discussing pricing, discounts or rebates or exchanging confidential price information that could lead to price co-ordination;
  - Discussing or agreeing any allocation of customers between members or quotas or caps on production;
  - Exchanging systematically any confidential information which may enable members to see each party’s share of sales, output or territorial coverage.

This does not prohibit the production of industry wide general overviews of sector or market trends provided it is not possible to identify the prices or volumes of individual competitors;

- Board or working group meeting agendas should limit the possibility of sharing commercially sensitive information. Members should seek to stick to the agenda and minutes should be kept;
- Members also need to be aware that ACE Group’s own employees and consultants are required to adhere to a competition policy requiring them (in summary) not to:
  - Allow ACE, EIC or VSCL to become a channel for the discussion or exchange of commercially sensitive information;
  - issue formal or informal pricing or output recommendations to members or otherwise;



- Have admissions criteria that are not transparent, proportionate and non-discriminatory and/or based upon objective standards;
- Adopt rules that restrict members' advertising and promotional business practices, beyond ensuring that such practices are legal, truthful and not misleading;
- Prevent members from using different contractual conditions from any association developed standard conditions, if they wish to do so.

Members must not do anything to interfere with the adherence by other members with this policy or by ACE's, EIC's or VSCL's employees with the employees' policy. Members should report any concerns to a director or senior manager of ACE, EIC or VSCL as applicable.