

Competition Law Guidelines

These guidelines are not comprehensive and are designed to serve as a reminder only.

The In-House Competition Lawyers' association (ICLA) is an informal gathering of European competition lawyers who meet quarterly to share best practice, legal expertise and discuss matter of common interest such as compliance.

Many of its Members compete with each other. This means that every activity of the association must comply with national and European competition laws.

Compliance Commitment

Strict compliance with competition law is the policy of the association and members will exercise extreme care to avoid not only violations of law, but also anything that might raise even a suspicion of possible violations.

Key Compliance Safeguards

Full compliance requires the commitment of the Member. An action which seems innocent when taken by itself may be viewed by competition authorities as part of a pattern of activity, which constitutes a competition infringement. Therefore, participants must take great care to ensure compliance with the competition laws.

This means:

- Participation must be voluntary, and failure to participate shall not be used to penalise any company;
- Meetings shall be governed by an agenda prepared in advance, and recorded by minutes prepared after the meeting. The Chairman will remind members that ICLA and its members should comply with competition law.
- Participants should not discuss, share non-public information or agree on any of the following commercially sensitive matters:
 - Prices, promotions, discounts, rebates and reductions;
 - Costs;
 - Profits and profit margins;
 - Output and sales;
 - Market shares and sales territories;
 - Investment plans;
 - Advertising, marketing or promotion plans;
 - Bidding or refraining from bidding;
 - Credit conditions or any other terms of sale; or
 - Selection, rejection or termination of customers or suppliers;
- All data collection exercises will be done by third parties.

In general, the Members should only submit data if it:

- Is at least 12 months old and does not relate to future plans; and
- Will be made aggregate and anonymous by an independent third party) before being circulated to the other Members;