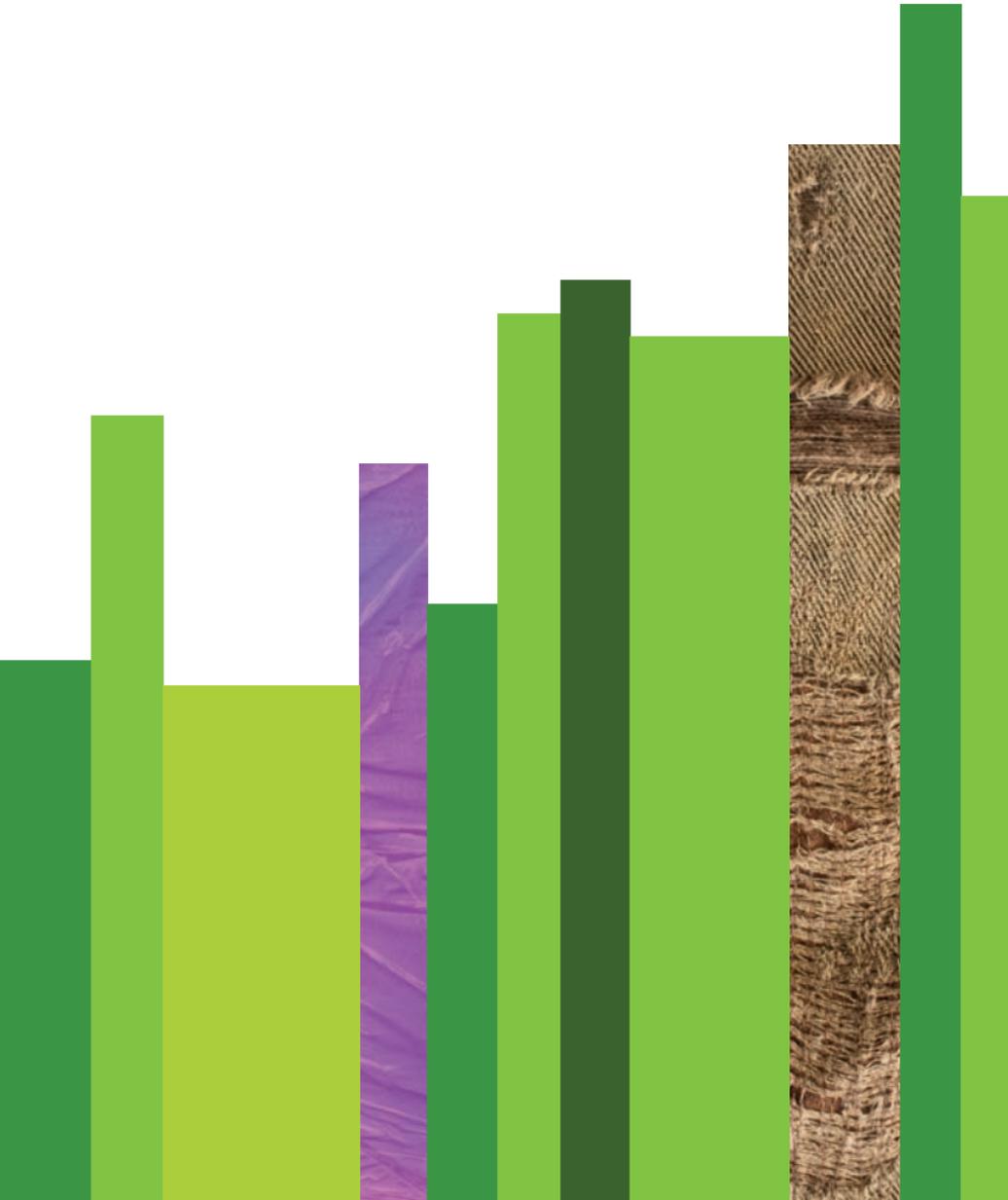




# Guidelines

governing **BIR Meetings**  
and **BIR Representatives**



# INTRODUCTION

**When competitors meet to discuss policy issues relating to their business, there is a risk that competition rules may be infringed. Courts in the US and in Europe, and increasingly around the world, recognize that trade associations play a legitimate role in formulating public policy positions relevant to the sector, but there are boundaries as to what is permissible.**

These guidelines are designed to ensure that in organizing / attending meetings at which competing companies are present, BIR and BIR Representatives avoid engaging in or facilitating any discussion or activity that might violate existing competition laws.

Strict compliance with these rules is especially important; participating companies can be held responsible for anti-competitive conduct and BIR can be held liable.

**These guidelines apply to all BIR meetings,** including meetings of statutory and decision making bodies, specialized groups' meetings, policy committees, project action teams, task forces, ad hoc groups, any other working group, and any communication involving – or made on behalf of – BIR.



# YOU MAY DISCUSS

- ✓ non-confidential, technical issues
- ✓ publicly available information
- ✓ industry PR
- ✓ general historical and non-confidential statistics

# YOU MAY NOT DISCUSS

- ✗ any discussion, understanding or agreement between companies
- ✗ prices
- ✗ costs
- ✗ individual company figures or supplier/customer information
- ✗ exchange of confidential and company-specific information



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# WHAT **MAY** BE DISCUSSED AT BIR MEETINGS

or when participating at meetings  
as BIR Representative

- **Non-confidential, technical issues** relevant to the industry, such as standards, environmental concerns, matters related to corporate social responsibility, health and safety matters, regulatory developments
- **Publicly available information** on market trends, general promotional opportunities (with the exception of particular company promotional plans)
- **Industry public relations** or advocacy activities

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# GUIDELINES ON **INFORMATION EXCHANGE**

The exchange of **statistical information** is permitted when it:

- is **general, historical** and **non-confidential**, or comprises aggregate data of at least 3 independent producers (zero or negligible inputs must be excluded when they might cause the disclosure of individual companies' data), and
- does not enable the identification of individual businesses, or is processed by an independent third party to **ensure confidentiality**.

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# PROHIBITED CONDUCT

Any form of express or tacit collusion amongst competitors aimed at directly or indirectly influencing prices or allocating customers or geographic territories is viewed as an extremely serious offence and will attract hefty fines if uncovered.

The competition rules **strictly prohibit** any discussion, understanding or agreement between competitors, however informal, or the exchange of information on:

- individual company **prices**, price changes, pricing strategies, terms of sales, price mark-ups, discounts, allowances credit terms
- **costs** of production or distribution, cost accounting formulae, methods of computing costs
- **individual company figures** on or plans as to sources of supply, production, inventories, sales, marketing and promotion
- any matters relating to **individual suppliers or customers**, including any attempted collective action that might have the effect of excluding suppliers or customers from the market
- information as to **future plans** of individual companies concerning technology, investments

**Is also prohibited:** The exchange of **confidential and company-specific** information between competitors, such as data on:

- prices
- output
- capacity utilization rates
- costs
- sales volumes
- market shares
- marketing plans
- inventory



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