

## **CODE OF CONDUCT ETIM INTERNATIONAL**

The activities of ETIM International must always comply to competition legislation governing ETIM International and its members. ETIM International believes in freedom of competition on the basis of price and quality. ETIM International acknowledges that the purpose of the competition legislation is to enhance freedom of competition, which ETIM International fully supports. With this code of conduct ETIM International wishes to create and strengthen trust in its integrity, with all members and cooperating parties and thus this code of conduct will be binding. Additionally, through applying this code of conduct, members of ETIM International will avoid the risks of unwanted behaviour in ETIM International, and penalties imposed by other parties will therefore be avoided. Infringement of this code of conduct will result into penalties imposed by ETIM International.

## **MEETING AND DECISION MAKING WITHIN ETIM INTERNATIONAL**

The following rules will be respected during all meetings:

### **A. CAREFUL PROCEDURES**

1. Meetings of the General Assembly, the Board, a committee, work group or any other form of cooperation within ETIM International will only take place after an invitation in writing for the meeting. The invitation will provide an agenda on forehand.
2. Each meeting, as mentioned under 1. will deliver minutes or a report and this will be distributed amongst the members of the respective body. These reports will be copied to the Board of ETIM International.
3. The meeting in which subjects are market related (i.e. subjects that might matter for the position or the determination of the position of individual parties in competition) will limit itself to the meeting only and will be mentioned in the minutes. After formal closure of the meeting, an informal gathering is allowed, under the condition that market behaviour, market position and individual market data are not subject of discussions.
4. During the meeting, as mentioned under 3., it is not allowed to discuss matters that will not be mentioned in the minutes. The president or chairman will refuse to continue the discussion any further.
5. Every meeting of the General Assembly, Board, committee, work group or any other form of cooperation, where market related subjects are discussed needs to be attended by the President or Technical Director. He or she will make sure that topics that might cross the line are not discussed in the meeting until after consultation with an expert. Here after, under careful supervision, it can be put on the agenda for next meeting.

## **B. FORBIDDEN TOPICS**

The following topics are never a part of any form of discussion during meetings of the General Assembly, Board, committee, work group or any other form of cooperation of ETIM International:

- Selling prices, tariffs, (intended) price changes, recommended prices, discounts, surcharges and any other form of price related topic;
- Division of the market, for example by geographically allocating clients between the members of any form of cooperation;
- Limitation of production or sales;
- Preliminary consultation in response to a proposition for potential clients;
- Recharge offer costs of competitors in own bidding offers;
- Exchange of commercial information of participating individual companies; in data of production, turnover, sales, price-and rate fixing, investments, r&d expenses, and other data that could be framed as commercially sensitive;
- Statement of average prices of any range within the industry;
- Exclusivity for specific participating companies for representing manufacturers and traders;
- Boycott of specific suppliers or customers.

## **C. POTENTIALLY PROBLEMATIC TOPICS**

The following topics might lead to interference with competition legislation, thus before discussing these matters, these always need to be approved by an expert in the field of fair competition:

- General terms of sales and delivery. If these involve competitively sensitive information (such as prices, tariffs, way of indexation, recharge of specific costs) this might lead to objection of competition authorities;
- Limitation of participation in fairs, congresses, events, trade shows and exhibitions. Through collective declining of participation in any of the above mentioned gatherings, freedom of individual parties to participate will be limited. Limitation of freedom is only permitted under specific conditions,
- Acceptance or membership criteria. As long as the acceptance of a membership of ETIM International will not make any difference for a business partner of a potential member, there is no problem expected from competition legislation . As soon as the potential member will attach a particular commercial value or meaning to this membership, there are specific conditions that need to be discussed;
- Collection of commercial information from individual members and providing these statistics in cumulative form by ETIM International to all members is in basic acceptable, however, this could lead to a problematic situation. In any case, it should be warranted that individual members cannot be informed on information regarding other individual members.

## **D. EXECUTION/MAINTENANCE**

ETIM International will implement this code of conduct by a common decision at the General Assembly with agreement of all members. This code of conduct is binding for all members and infringement of this could result into immediate ending of the membership, or into a warning, reprimand or suspension.