

Anti-Trust Policy

European antitrust and cartel and competition laws seek to prevent the benefits of a competitive market from being undermined by anticompetitive practices. EERA's anti-trust policy and guidance places the responsibility of compliance with all applicable antitrust, cartel and competition laws on every Board Member, officer, and member, especially those participating in specific discussions and decision-making activities.

Anti-Trust laws apply to all meetings, and in particular, Articles 101 to 106 of the Treaty on the Functioning of the European Union (TFEU) and other EU Competition Regulations¹. Not knowing the legal framework is not a mitigating circumstance in a Court of Law. You are advised to speak with your own legal advisors if further clarity is needed.

All members of EERA are requested to respect these laws and this policy whilst participating in EERA meetings, networking events or whilst representing EERA at other meetings, conferences and networking events.

Guidance

If at the start of a meeting you become aware of a potential conflict or personal or commercial interest in a topic for discussion, regardless of whether or not a decision is to be made, you should consider if you need to make a declaration of interest.

This may include:

- Directly or indirectly fix purchase or selling prices, or any other trading conditions
- Limit or control production capacities, markets, technical developments, or investments
- Share markets or sources of supply
- Apply dissimilar conditions to equivalent transaction with other trading parties, thereby placing them at a competitive disadvantage
- Make conditions a requirement of contracts subject to the acceptance of other parties, which by their nature or according to commercial use, have no connection with the subject of such parties

Specific actions:

If you are aware of a personal or commercial conflict of interest for your organisation, or if you are aware of another conflict by another party participating in the meeting, you should declare an interest or make an objection and provide explicit details. You or the other parties may be requested to leave the meeting for the period when the topic is being considered.

If necessary, ask the meeting to stop from the discussions or decision making. If this does not happen, you should end the conversation and leave the meeting and request that your action is noted in the Minutes of the Meeting.

If necessary you should document the incident, including your actions, and share it with your legal counsel.

¹ EU Anti-Trust and Competition legislation https://ec.europa.eu/competition-policy/antitrust/legislation_en