

DO

Ensure strict compliance with the following:

Oversight

- ✓ Have a EuroCham representative present at each meeting;
- ✓ All meetings must have a legitimate purpose, in line with the overall mission, authority and the tasks of the relevant Sector Committee or the working group;
- ✓ Consult before a meeting with the appropriate (legal) counsel on all questions relating to competition (law);
- ✓ Limit meeting discussions to agenda topics only;
- ✓ Membership of Sector Committees and working groups and participation criteria for meetings must be transparent and non-discriminatory.

What may be discussed

- ✓ Non-confidential, technical issues relevant to the industry, such as environmental concerns, matters relating to corporate social responsibility, industry matters and regulatory policy developments;
- ✓ Publicly available information on market trends;
- ✓ General promotional opportunities (not particular company's promotional plans); and
- ✓ Public relations for the industry and/or advocacy activities.

Recordkeeping

- ✓ Have an agenda and minutes, which accurately reflect what is being discussed and what happens during the meeting;
- ✓ Ensure the review of agendas, minutes and other important documents by appropriate staff and/or counsel prior to distribution;
- ✓ Fully describe the purpose, structure and authority of each Sector Committee and working group.

Vigilance

- ✓ In case of any doubt as to the legitimacy of a discussion during a meeting, the EuroCham representative must request to stop the discussion until the appropriateness of the topic/discussion has been confirmed by the appropriate staff and/or counsel. Such action by the representative should be reflected in the minutes of the meeting.

DON'T

Do not discuss or agree with your competitors and/or with others present at the meeting:

- ✘ To directly or indirectly fix the prices of your goods and/or services¹ and/or to fix your conditions of sale;
- ✘ To divide up consumer markets and/or sources of supply of goods and/or services, either geographically or by groups of customers;
- ✘ To restrain or control the quantity or volume of goods and services produced, purchased, provided or sold;
- ✘ To restrain technical or technological developments and/or to restrain investment;
- ✘ To impose on other enterprises conditions for signing contracts for the purchase and sale of goods and services or to impose on other enterprises to accept obligations not directly related to the subject matter of a contract;
- ✘ To prevent, impede or not allow other enterprises to participate in the market or to develop a business, or to exclude other enterprises from the market;
- ✘ To collude with other enterprises in order to win a tender for the supply of goods and/or services.

Do not have formal or informal discussions with your competitors on, or seek access to, confidential or other unpublished commercially sensitive information, in particular relating to:

- ✘ Individual prices, price changes, terms of sales, etc.;
- ✘ Industry pricing policies, price levels, price changes, etc.;
- ✘ Price differentials, price mark-ups, discounts, allowances and/or credit terms;
- ✘ Costs of production or distribution, cost accounting formulas, methods of computing costs;
- ✘ Individual company figures on sources of supply, costs, production, inventories, sales, etc.;

¹ Please note that under Article 8(1) of the Law on Competition, “*agreements either directly or indirectly fixing the price of goods and services*” are in restraint of competition. According to Article 14 of Decree No. 116/2005/ND-CP such agreements include taking joint action in one of the following forms: (1) to apply uniformly a price to some or all customers; (2) to increase or reduce the price by a fixed amount; (3) to apply a uniform pricing formula; (4) to maintain a fixed ratio for the price of related goods; (5) not to grant any discount or to apply a uniform rate of discount; (6) to restrict credit available to customers; (7) not to reduce prices without notification to other members of the agreement; and (8) to use a uniform price at the commencement of negotiations on prices.

✘ Information as to future plans of individual companies concerning technology, investments, or the design, production, distribution or marketing of particular products including proposed territories or customers;

✘ Matters relating to individual suppliers or customers, particularly in respect of any action that may have the effect of excluding them from the market.

✘ Do not refuse an enterprise the admission to or the withdrawal from any Sector Committee or working group in a discriminatory way;

✘ Do not restrict the business activities of the members of Sector Committees and working groups.

This checklist is for the conduct of meetings organized by EuroCham Sector Committees and also applies to any contact between the members in the context of such meetings. The checklist is not exhaustive.