



# Anti-Trust Guidelines

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It is common practice for competitors of a business sector to work together in the framework of industry associations and therefore to regularly participate in meetings where often key issues, where common understanding and action of the sector is necessary, are discussed. European competition law prohibits agreements between undertakings, decisions by associations of undertakings and concerted practices which may affect trade between Member States and which have as their object or effect the prevention, restriction or distortion of competition within the common market.<sup>1</sup> Common activities by competitors or exchange of information among them may be regarded as beneficial, producing efficiencies for consumers but they are generally in the focus of suspicions of competition authorities.

Each Euroseeds member is responsible for complying with antitrust rules and for ensuring that its employees respect and are aware of their obligations under such antitrust rules. These guidelines only contain the most basic principles to be respected under antitrust law and they serve as a reminder for participants of Euroseeds meetings. Meeting participants should be entirely familiar with these rules and should consult a competition lawyer in case any specific issue arises.

## **DO NOT:**

- in any case, formally or informally, in fact or in appearance, exchange with competitors information containing:
  - any potentially commercially sensitive data;
  - company level data on prices, price changes, discounts, differentials, costs, pricing policy or any other data from which prices can be deducted;
  - company level data on production, sales volumes, capacities, orders, deliveries, export quantities etc.;
  - company level data relating to customers, specific offers, contract terms etc.;
  - data on market shares;
  - present or future plans of individual companies concerning strategic business decisions on pricing, production, distribution, marketing etc;
  - any of the above categories of data in a format allowing for identification of individual companies.

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<sup>1</sup> Article 101(1) TFEU (former Article 81(1) EC)

- in any case raise any of the above topics at meetings or other discussions with your competitors.

**DO:**

- always make sure that you have an agenda.
- always make sure that you get the minutes and that they reflect properly what was discussed and agreed at the meeting.
- raise your objections against any discussions or activities that appear to be in conflict with competition rules; distance yourself publicly (i.e. in a way that it is clear for all other meeting participants) from such discussions or activities and leave the meeting immediately.



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