

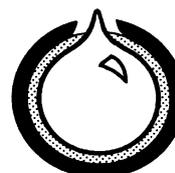
Gütegemeinschaft Schwerer Korrosionsschutz

von Armaturen und Formstücken durch
Pulverbeschichtung e.V. (GSK)

House of Bavarian economy
Max-Joseph-Str. 5, D-80333 Munich, Germany
Tel. +49 (0) 89 / 55 17 86 70
Mail: info@gsk-online.de
www.gsk-online.de

Quality Assurance Association for Heavy- Duty corrosion Protection

of Valves and Fittings with Powder Coating e.V.
(GSK)



RAL GÜTEZEICHEN
SCHWERER KORROSIONSSCHUTZ
VON ARMATUREN UND FORMSTÜCKEN

Guideline on compliance of GSK meetings with competition law

1. Background

In recent years the work of the competition authorities has increasingly focussed on trade associations. GSK complies with competition law

2. Procedures at meetings and gatherings

2.1 Unproblematic procedures

- Deliberation and discussion of current proposed legislation, lobbying activities and government measures regarding price regulation and curbing costs
- Information about the legal situation
- Discussion of plans for market statistics or member surveys that are still to be carried out and presentation of the results provided individualised sensitive information is not divulged or exchanged (data can only be aggregated and anonymised).

2.2 Problematic procedures

Spontaneous comments by meeting participants made in connection with topics that have been introduced as being unproblematic, but which contain suggestions for a consolidated approach or which only contain sensitive information. Sensitive information includes, for example, prices, lists of customers, production costs, quantities, turnover, sales figures, capacities and the like. Spontaneous comments can lead to them being taken up by the other participants and suggestions possibly even being (tacitly) agreed upon or implemented.

2.3 Unacceptable procedures

- Discussion of
 - individual prices
 - cost components
 - individual relationships with suppliers
 - market statistics if the discussion extends to possible conclusions by member companies regarding their future market behaviour.
- Disclosure of sensitive business information (e.g. information on individual pricing and marketing strategies).

- Even a single-page transfer of information can constitute violation. For this, it does not have to result in any recommendation or acceptance. Even rejection is not sufficient if a meeting results in implementation of behaviour that is not compliant with competition law.
- The ban on discussion or disclosure applies to both the meeting and the social programme (e.g. refreshment).

3. Behaviour of chairpersons and full-time officers

3.1 Prior to a meeting / gathering

- Clear and unambiguous wording of the agenda and the documents of the meeting.
- Do not accept any topics that are problematic under competition law, especially
 - overviews of prices
 - cost components
 - individual relationships with suppliers.

3.2 During a meeting

- Suspension and adjournment by the person chairing the meeting of any deliberation of a point of discussion if there is disagreement on whether the point is admissible under competition law (e.g. in the case of spontaneous comments that might be unacceptable).
- Inclusion of the incident in the minutes.
- Readmission of the point of discussion only after legal clarification that it is admissible under competition law.
- If discussion of the questionable point continues: adjournment of the meeting and inclusion of the suspension of the meeting in the minutes.
- For their exculpation, it is not sufficient that individual members leave the meeting; the express objection of specific participants should therefore be minuted.
- If the chair of the meeting fails to react: the full-time officer should point it out and, if necessary, request that the appropriate measures be taken.
- The full-time officer must inform the policy department for legal matters about the entire matter as quickly as possible.

3.3 After a meeting

- Provide a clear and, regarding the contents, correct account in the minutes of the whole course of the meeting.
- Ensure that a false impression is not given such that a resolution appears to be anticompetitive.
- Coordination between the chairperson and the full-time officer.