

Guidelines on competition law for work within the Association

These guidelines are aimed at the participants of meetings of the Association (office staff and representatives of member companies). They are intended to prevent such meetings offering the opportunity for actions which could significantly interfere with or eliminate competition.

It lies within the individual responsibility of the member companies to train their staff (e.g. by means of compliance programs) to comply with competition law and to place them under a corresponding obligation.

The guidelines are not exhaustive. They do not remove the need to carefully clarify potentially anti-competitive behavior in each individual case. The guidelines will be published on the scienceindustries-Membernet.

DO	DON'T
<ul style="list-style-type: none"> • Agenda items: The agenda items for the meeting must be restricted to subjects permitted under competition law. • Discussion: The chairpersons of all Association bodies shall ensure that only subjects permitted under competition law are discussed at meetings. If participants at meetings nevertheless become aware of statements which are not permitted under competition law, this must be drawn to the attention of the chairperson of the meeting and the relevant discussion must be ended. Participants at meetings are obliged to leave if the discussion continues about subjects which are not permitted under competitions law. The departure from the meeting must be recorded. • Minutes: Meetings of Association bodies must be recorded in minutes. • Communication: The author of Association communications (e.g. Internet, Membernet, emails, minutes, presentations, etc.) shall ensure compliance with competition law. • Procedure if in doubt: Actions which are potentially in breach of competition law must be legally clarified in advance by the appropriate body (e.g. justification on the grounds of economic efficiency). 	<p>In particular, there should be no discussion of or verbal or written exchange on subjects not permitted under competition law, such as:</p> <ul style="list-style-type: none"> • Prices: Prices and price elements (e.g. discounts) related to individual products set by member companies as well as price changes. The term “price” also includes minimum prices or price ranges alongside fixed prices. Excepted from this are <i>government-set</i> maximum prices, e.g. maximum prices for medicines set by the Federal Office of Public Health which are reimbursed by the obligatory health insurance, as well as the corresponding government regulations. • Quantities: Understandings on the restriction of production, procurement or delivery quantities. • Sales areas: Understandings on the division of markets by sales areas or business partners. • Disproportionately placing obstacles in the way of or preventing the market entry of competitors or companies in upstream or downstream market stages. • Not acting competitively with regard to competitors (e.g. reciprocal agreement not to undercut prices). • Exchange of information not publicly available with regard to the competitive behavior of member companies if this promotes significant interference with or elimination of competition.