

Cartels

— HOW TO ACT WITH COMPETITORS

Every company must develop its own commercial strategy and act independently of its competitors, suppliers, customers, and any stakeholders.

Any agreement or understanding between competitors that has as their object or effect the restriction of free competition is prohibited. This may include agreements that:

- › Set prices or other contractual conditions (e.g. warranties, payment terms etc.);
- › Limit the freedom of other market players to compete (e.g. by limiting market access, development or investment);
- › Allocate customers, markets or sources of supply.

It does not matter what form the agreement takes, nor does it have to be in writing or formalized in any way. Even a simple spoken exchange of information can be considered a cartel.

— DO

- ✓ — Obtain information about markets and/or competitors from independent public sources
- ✓ — Discuss general and public information on the market and/or the competitors

— DON'T

- ✗ — Enter into an agreement, discuss or exchange sensitive commercial information (“sensitive information”) with competitors on:
 - › Price, terms and conditions of sale and purchase including rebates and discounts
 - › Margin, profits and cost

- › Market shares
- › Sales volumes
- › Customers (name, solvency, payment terms)
- › Details of bid tenders

X — Agree with competitors on pricing or other commercial conditions for their suppliers or customers

X — Agree with a competitor to favor or eliminate a competitor

X — Agree with a competitor not to do business with certain suppliers or customers

X — Agree with a competitor to share sales, products, territories, customers or suppliers