



ETRMA COMPETITION LAW GUIDELINES (October 19, 2016)

The European Tyre and Rubber Manufacturers' Association ("ETRMA") carries out representation, coordination, communication, promotion and technical liaison activities on behalf of its members' tyre and rubber industry interests.

In the course of carrying out such activities, ETRMA will normally be involved in monitoring and assessing together with its members the institutional, legislative/regulatory, judicial, administrative and other developments in the European Union and other trade or regulatory bodies that may impact the members' interests, at both international and national levels. As a result of these activities, ETRMA may additionally undertake communications and other actions designed to promote its members' collective interests.

All of these types of activities in the framework of ETRMA may entail the collection and sharing of certain data/information as well as discussions intended to facilitate decision-making on proposed actions to be taken, whether by ETRMA alone, in conjunction with actions of its members, or eventually by the members on their own.

ETRMA and its members are committed to carrying out the above activities in full compliance with applicable competition rules relating to information exchange and other cooperative activities amongst actual or potential competitors, including in the context of industry associations.

ETRMA has thus adopted and shall strictly apply the following Guidelines.

Without being exhaustive, in the context of any activity organized under the auspices of ETRMA, members shall not:

- *Exchange commercially sensitive (i.e. strategically useful) information about their own or their competitors' business activities, including, but not limited to, information concerning prices, costs, production, sales, customers and investments.*
- *Discuss or agree on prices, price changes, price trends or price policies, policies or calculation of discounts or rebates, or any marketing policy which may affect current or future pricing.*
- *Discuss or agree to limit or allocate sales territories or customers or parts or material sourcing.*
- *Discuss or agree to limit or control levels of production, inventory levels, production processes, parts, materials or technological development, or to limit or coordinate investment.*
- *Discuss or agree on new technical standards with a view to creating excessive or unjustified barriers to market entry.*
- *Discuss or agree on bids made in a tendering process.*
- *Establish blacklists or boycotts of suppliers, purchasers, or competitors.*
- *Engage in any vote or coordination which has the purpose or effect of excluding a potential or existing member without valid and objective reasons.*
- *Collectively compile or publish, for public or non-public use, statistics concerning current or future industry trends or members' market practices, activities or status in a manner which may disclose strategically useful information regarding any one undertaking (as a rule, only aggregated recent (but at least 3 months old) or historical data to be compiled/published).*

Any other discussion –disclosure of information or action regarding these or similar commercially sensitive issues, whether on or off the record, during a scheduled meeting or not, in the context of an ETRMA-

organized/sponsored event, is strictly prohibited and could expose not only the members concerned but also ETRMA as a trade association, to significant competition law penalties.

If any participant has any question as to the legality of a proposed activity or discussion topic, the issue should be raised immediately to the chair person or other organizer and the activity or specific discussion in question should be suspended pending referral of the issue to the ETRMA Secretary General who shall discuss it with legal counsel and provide the necessary guidance or advice.

For its part, no ETRMA officer, director or employee or any working group within ETRMA has the authority to take any action which might violate competition law in general or these Guidelines in particular. Moreover, no officer, director or employee or working group has the authority to direct, approve or condone any such action.

Violations of these Guidelines may be grounds for disciplinary action by the Board of Directors, adapted to the circumstances of the particular violation.

Mrs Fazilet Cinaralp
Secretary General