

## **ICG Competition Law Protocol**

The ICG exists to serve people who are interested in the production, properties or uses of glasses, whether from a commercial, aesthetic, academic or technical viewpoint. It is a non-profit making organisation serving a worldwide membership publishing journals and text books, organising meetings, symposia and conferences on glass related topics, coordinating the activities of technical committees, and providing a communication framework geared to the needs of the glass community.

This protocol exists to inform ICG members and guests at their meetings and events of their responsibilities within competition law.

### ***Competition Law***

Competition law as set out in the Competition Act 1998 and in Articles 101 to 106 of the Treaty on the Functioning of the European Union (the 'EU Treaty') exists to protect business and consumers from anti-competitive behaviour. Similar legislation in the USA is contained within The Sherman Antitrust Act (Sherman Act, July 2, 1890, ch. 647, 26 Stat. 209, 15 U.S.C. 1–7)

The Officers of ICG and those working in its activities must act with responsibility and integrity at all times and comply with competition law in all activities without exception.

### **Conduct of meetings**

- 1) ICG meetings shall only be called for the purpose of pursuing the objectives of the ICG.
- 2) Attendees shall be reminded that they should not act in any way that might infringe competition law and they shall be asked to confirm that they understand what this means (if attendees are in any doubt, they should seek independent legal advice).
- 3) Attendees are reminded that in addition to this ICG protocol they should at all times follow their own company's rules relating to competition law.
- 4) Attendees are reminded that non-compliance with competition law could lead to a fine of up to 10% of worldwide group turnover. In addition, directors of participating companies can be disqualified, given an unlimited fine or even imprisoned.
- 5) An agenda shall be circulated in advance setting out topics to be discussed
- 6) Minutes of meetings shall be taken and circulated to all attendees after the

meeting. Any requests made not to discuss certain topics, or a decision by an attendee to leave a meeting, shall be recorded.

- 7) Attendees are advised not to hold 'subsidiary' meetings before an official meeting and to leave directly after the close of the meeting.
- 8) Participants are free to exchange information on general trends relating to the industry and on matters such as general marketing, non-confidential technical promotional issues, environmental matters, technical standards, quality control issues, health and safety, training and matters which represent the ICG's objectives to the public or official bodies.
- 9) Below are examples of individual information which must not be exchanged:
  - Prices, including current or future pricing, price differentials, margins, price changes, discounts, credit terms etc.
  - Customers
  - Market Shares, including intentions to enter or not enter a market, all forms of sharing or allocating markets etc.
  - Bids on contracts
  - Trading conditions, including future plans and strategic intentions.
  - Costs, including production and distribution costs, methods of computing costs, figures on supply, inventories, sales etc.
  - Production capacity including capacity expansion or reduction, over capacity, shutdowns etc.
  - Investment
  - Market strategy or allocation
  - Anything else that could lead to illegal co-operation between entities normally in competition with one another.

It is recommended that this document forms part of the attendance register signed by participants and attention is drawn to it by the chairman or secretary at the beginning of the meeting.

This protocol does not purport to provide definitive answers to all competition law questions, in any situation of doubt independent legal advice must be sought.