



Competition Law Checklist for Meetings



Ensure strict performance in areas of:

Recordkeeping

- ✓ Have an agenda and minutes which accurately reflect the matters which occur, incl. A.O.B.;
- ✓ Ensure the review of agendas, minutes and other important documents by appropriate staff or counsel, in advance of distribution;
- ✓ Fully describe the purposes, structures and authorities of the groups.

Oversight / supervision

- ✓ Consult with appropriate counsel on all questions which might be related to competition law;
- ✓ Limit meeting discussions to agenda topics;
- ✓ Provide each attendee with a copy of this checklist and have a copy available for reference at all meetings.

Vigilance

- ✓ Protest any discussion or meeting activities which appear to violate the checklist; ask for those activities to be stopped so that appropriate legal check can be made by counsel, disassociate yourself from any such discussion or activities and for the attendees, leave any meeting in which they continue (and have it minuted);
- ✓ Report any violations to the Chairman of the CLEPA Legal Advisory Group

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Do not, in fact or appearance, discuss or exchange information not in conformity with EU Competition law, including for example on:

Price, including

- ✗ Prices, price changes, price differentials, discounts, allowances, credit terms, etc.;
- ✗ Individual company elements that make up pricing on costs, production, inventories, sales, etc.
- ✗ Rates or rate policies for individual shipments, including basing point systems, zone prices, freight, etc.
- ✗ Other commercially sensitive terms and conditions

Production, including

- ✗ Plans of individual member companies, concerning the design, production, distribution or marketing of particular products, including proposed territories or customers;
- ✗ Changes in details of production capacity or inventories, etc.

Market procedures, including

- ✗ Company bids on contracts for particular products, company procedures for responding to bid invitations
- ✗ Matters relating to actual or potential individual suppliers or customers that might have the effect of excluding them from any market or influencing the business conduct of firms toward them, etc.
- ✗ Blacklist or boycott customers or suppliers

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