



## COMPETITION LAW CHECKLIST FOR MEETINGS

### WHAT SHOULD YOU DO

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#### General

- Fully describe the purpose, structure and mandate of the group and appoint a president who will chair the meetings.
- Provide each attendee with a copy of the present checklist.
- Ensure that agendas, minutes and other important documents (such as presentations made by members or external participants) are screened in advance of distribution by knowledgeable staff or counsel.
- Ensure that each meeting has a representative of the secretariat in attendance.

#### Prior to the meeting

- Circulate an agenda which accurately reflects the matters that shall be discussed.
- Ensure that the agenda items are in line with the purpose and mandate of the group.

#### During the meeting

- Start the meeting with a reminder of the importance of complying with competition law by reference to the present checklist.
- Have copies of the present checklist available for reference at the meeting.
- Limit meeting discussions to the agenda topics.
- Protest any discussion or meeting activities which appear to violate this checklist. Ask for those activities to be stopped and disassociate yourself from such activities. Leave any meeting in which they continue and have it recorded in the minutes.

#### After the meeting

- Ensure that meeting minutes are drafted which accurately reflect the matters discussed during the meeting.
- Consult with appropriate counsel on all questions related to competition law which have arisen prior to the next meeting.

### WHAT SHOULD YOU NOT DO

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#### **Do not, in fact or appearance, conclude any agreement or exchange information on the following matters:**

##### **Prices, including**

- Individual company / industry prices, price changes, price differentials, discounts, allowances, credit terms, etc.
- Current or future individual company data on costs, production, capacity, inventories, sales, etc.
- Transportation rates or rate policies for individual shipments, including basing point systems, zone prices, freight, etc.

##### **Production and distribution, including**

- Business plans of individual companies concerning the design, production, distribution or marketing of products, including the limitation of output and allocation of territories or customers.
- Changes in industry 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.

##### **Do not engage in the following vertical practices:**

- Restrictions of customers to whom distributors may sell.
- Restrictions of territories into which distributors may sell.
- Resale prices at which distributors must sell.

This non-exhaustive checklist has been drafted for purposes of the conduct of formal meetings. However, prohibited discussion topics apply equally to gatherings incidental to those meetings.