

Meeting with competitors: dos and don'ts

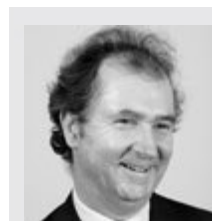
It is easy to fall foul of competition law during meetings or discussions with competitors. Care should be taken when meeting with competitors, whether it is in a trade association meeting, REACH consortium meeting or even a one-on-one or group social occasion. Key dos and don'ts to remember are:

DO

- ✓ circulate an agreed agenda
- ✓ keep detailed records of the discussions
- ✓ immediately terminate any discussion with competitors if you are concerned that it may violate competition law. If necessary, leave the meeting, and ensure the note of the meeting includes your objection and reason for departure
- ✓ contact your legal department and/or external legal adviser immediately if:
 - you are concerned that you or someone else in the company may have violated competition law; or
 - a commercially sensitive subject (e.g. current or future prices, costs marketing or sales plans) has been raised by or discussed with competitors
- ✓ understand that participation in trade association or consortium meetings does not provide protection from the application of competition law and mere presence at an anti-competitive discussion is sufficient to be implicated in an infringement
- ✓ retain any documents, records or data which are received or exchanged in meetings and which may be relevant to any investigation or lawsuit
- ✓ ensure all relevant staff have compliance training

DON'T

- ✗ discuss or exchange commercially sensitive information such as current or future prices, business plans, capacity, costs, revenue or marketing activities
- ✗ agree to set prices at a certain level or within a general range, agree to minimum prices or the timing of price movements, discuss dividing up markets by geography or customer type, or agree to boycott or impose stricter conditions on suppliers, customers or other competitors
- ✗ assume that a certain practice or conduct is lawful because others have done it in the past or because it is industry standard
- ✗ use language in meetings which exaggerates your company's market strength (e.g. "dominate" or "monopolise") or which could imply competitor collusion or wrongdoing (e.g. "destroy after reading")
- ✗ continue with or attempt to cover up conduct which you are concerned may violate competition law



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