

## **ANTITRUST REMINDERS AND MEETING GUIDELINES**

AGEM members must be sensitive to antitrust laws when attending AGEM meetings. Whether seriously or in jest, do not discuss or exchange information about:

### **Prices, including:**

- Individual company prices, price changes, price differentials, pricing patterns or policies, or terms and conditions of sale affecting price such as discounts, allowances, credit terms, warranties, rebates or special financing, indemnification agreements.
- Industry pricing policies, price levels, price changes, pricing procedures, profit margins or other data that bear on price.
- Individual company data regarding costs, production, capacity, inventory, sales, profit margins or other data that bear on price.

### **Production, including:**

- Individual company plans concerning the design, production, distribution or marketing of particular products or product features, including possible or proposed customers or territories.
- Agreements with competitors to control or limit production, restrict or allocate exports or imports, control or limit product quality or research, or allocate sales according to customers, territories, or products.

### **Marketing procedures, including:**

- Matters relating to dealing or not dealing with actual or potential individual suppliers, customers or competitors that might exclude them from the market;
- Territorial restrictions, allocations or customers, restrictions on types of products or any other kind of market division.

### **Meeting Guidelines**

- An agenda will be prepared and distributed before the start of the meeting.
- Meeting discussions will be limited to agenda items unless the Chair approves additional topics.
- Carefully review draft minutes and call for necessary corrections.
- Avoid colloquial language that might be mischaracterized later (e.g., “dominance,” “only game in town,” “control of market”).

This list is not exhaustive, and understanding and acting in compliance with U.S. and foreign antitrust and competition laws sometimes can be difficult. If you have a question about the propriety of association activities or discussions in an association meeting, contact AGEM’s general counsel or your company’s legal counsel.