

ANTITRUST CHECKLIST FOR HAZCOM SPONSORED EVENTS

This checklist states HAZCOM policy to ensure compliance with competition laws and regulations during HAZCOM sponsored events—including meetings, roundtables, seminars, and social gatherings. The Competition Act (Act 89 of 1998) prohibit *combinations in restraint of trade* that occur whenever competitors within a field of business exchange information that has the purpose or effect of fixing, raising, maintaining, or stabilizing prices (or otherwise limiting competition). Should such a conspiracy in restraint of trade be found to occur at an HAZCOM sponsored event, **HAZCOM, and its members of participating associations** would be held liable for substantial damages. Thus, at HAZCOM sponsored events, members of participating associations are urged to meet the following requirements:

1. Do not, in fact or appearance, discuss or exchange **present or future price-related information**, including:
 - Individual company prices, price differentials, markups, discounts, credit terms, marketing strategies, etc.;
 - Individual company data on costs, production, capacity, inventories, sales, etc.;
 - Transportation rates (particularly contract rates) for individual shipments;
 - Company bids on contracts for particular materials, company procedures for responding to bid, etc.; and
 - 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.
2. In the event that any such improper discussion or exchange occurs at an HAZCOM sponsored event, HAZCOM and its members of participating associations may be held personally liable for substantial damages if the committee does not actively and aggressively police its ranks on this issue. HAZCOM thus requires all members of participating associations to be sensitive to the risks of potential competition law abuses where HAZCOM sponsored events are concerned. If you believe that illegal activities may be occurring, please advise HAZCOM immediately.
3. Observe the direction of meeting chairmen, at HAZCOM sponsored events to assure competition policy compliance.
4. Remember that the conduct of each member of a participating association at a HAZCOM event involves HAZCOM and the members of participating associations and, if improper, implicates them. Therefore, each member of a participating association has a responsibility to the Committee, other members, and themselves. To eliminate potential problems, all HAZCOM sponsored events are held pursuant to an approved agenda which must be adhered to.

HAZCOM sponsored events have always been valuable to the members of participating associations and they will continue to be so. Your awareness of the need to observe HAZCOM's competition law policies is the best way to assure the continuing success of HAZCOM and its programs.