

Operation within National, European and USA competition laws

Checklist for meetings **DO**

Ensure strict performance in the areas of:

Oversight/supervision

- Have an ITCO secretariat representative at each ITCO organized meeting.
- Consult with company counsel/specialized counsel on all questions related to competition law.
- Limit meeting discussions to agenda topics.
- Provide each attendee with a copy of this checklist, and have a copy available at all meetings.

Record keeping

- Have an agenda and minutes which accurately reflect the matter that occur.
- 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.

Vigilance

- Protest any discussion or meeting activities which appear to violate this checklist.
- Ask for those activities to be stopped so that appropriate legal check can be made by counsel.
- Dissociate yourself from any such discussion or activities.
- Leave any meeting in which these activities continue and have it recorded in the minutes.

This checklist is intended for the good conduct of ITCO sponsored meetings. The checklist is not exhaustive. Should you have specific questions, contact a specialized lawyer. If needed, ITCO can advise counsel upon request.

The International Tank container Organization

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Checklist for meetings **DON'T**

Do not discuss with competitors or exchange information not in conformity with competition law, including on:

Prices

- Individual company/industry prices, price changes, price differentials, discounts, allowances and credit terms.
- Individual company data on costs, production, capacity (other than nameplates capacities), inventories and sales.

Production

- Plans of individual companies concerning the design, production, distribution or marketing of particular products, including proposed territories of customers.
- Changes in production, distribution capacities (other than nameplates capacities) or inventories.

Transportation rates

- Rates or rate policies for individual shipments, including basing point systems, zone prices and freight.

Market procedures

- 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 contact of firms towards them.
- Blacklist or boycott customers or suppliers.

Prohibited discussion topics apply equally to social gatherings incidental to ITCO meetings.

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