

Guidelines for project meetings – Obligations and conduct of participants and chairpersons

as of August 2018

Representatives of competing companies may be present in project meetings making it necessary to ensure compliance with antitrust law in such meetings. In general, project meetings must not be used for extraneous purposes, in particular for the discussion of topics that are subject to and prohibited by antitrust law. Compliance with the following guidelines is mandatory for project meetings taking place at BFI:

- All participants have to ensure that violations of antitrust law do not take place in project meetings. Each meeting has to be attended by a BFI employee who is in particular responsible for ensuring that antitrust law is complied with in the meeting. In case the chairperson does not undertake this responsibility himself/herself he/she shall determine an adequate replacement.
- At the beginning of each meeting, the responsible employee shall point out to all participants that they have to comply with antitrust regulation. The participants are required to confirm acknowledgement of this notice by signing the form „Notice regarding compliance with antitrust law“.
- The discussion has to be limited to the research project in question. In particular, there must not be any exchange regarding:
 - Strategic information that goes beyond information that is required in order to carry out the joint research. This includes an exchange of information regarding future research activities of the companies.
 - Information about activities of a company generally considered to be confidential such as information regarding delivery prices, quantities or sources of equipment and supplies – as opposed to information that is generally known.
 - Exchange or agreements on topics subject to antitrust regulation such as prices, quantities, costs, suppliers or customers.
 - Agreements regarding restrictions of the freedom to carry out research and development activities in a field unconnected with that to which the joint research relates or, after the completion of the joint research, in the field to which it relates or in a connected field.
 - Agreements regarding licensing to third parties or non-aggression clauses.

- Every statement that is issued in a meeting – be it in writing or orally – must be done in a way that is clear and does not bear any danger of being misinterpreted.
- In case the responsible employee or a participant notices the imminent danger of a violation of antitrust law, he/she shall bring the inadmissibility of such conduct to the attention of the chairperson and the participants and take measures to end the critical behaviour. In order to do so participants may be excluded from the meeting or the meeting may be cancelled.
- In case an antitrust violation takes place in a meeting the responsible employee informs the management after the meeting.