



## Competition Law Guidelines

Competition law applies to the International Licensing Platform Vegetable (ILP) and its members. Competition laws of many territories and countries prohibit agreements, practices, combinations, and conspiracies that distort competition on the market or are in restraint of trade and the free market. A basic principle of competition law is that undertakings determine their commercial policy independently. The uncertainty that exists about a competitor's intended market behaviour may not be reduced. Competition law violations may already occur based on (indirect) discussions, even in the absence of an oral or written agreement.

Against this background, ILP members must refrain from exchanging commercially sensitive information between themselves and from coordinating their commercial conduct – directly or indirectly. This applies during, before and after both formal gatherings and informal settings or ILP events.

Not complying with these Guidelines could have serious consequences, including high fines, damages claims from private parties, court proceedings against individuals and reputational damage.

ILP employees and members should adhere strictly to the following.

### Guidelines:

- **DO NOT** communicate directly any commercially sensitive information including information on prices, fees, or rates, or features that can impact (raise, lower or stabilize) prices (such as discounts, costs, credits, terms and conditions of sale, warranties, or profit margins), production, sales, customers, collaborators or other constituents with one or more competitors.
  - **DO NOT** communicate any commercially sensitive information to third parties (including for example ILP and customers) with the intention/expectation that such information will be passed on to one or more competitor(s).
  - **DO NOT** use communications on commercially sensitive information as a means to seek to signal to, or communicate with competitors, for example by “testing the waters” to see competitors’ reactions.
  - **DO NOT** solicit commercially sensitive information about competitors from third parties or competitors.
  - **DO NOT** agree with competitors on uniform terms of sale, warranties, or contract terms.
  - **DO NOT** agree with competitors to divide customers, markets, or territories.
  - **DO NOT** agree with competitors not to deal with certain suppliers or others.
  - **DO NOT** try to prevent a supplier from selling to your competitor(s) or restrict parallel import.
  - **DO NOT** agree to any membership restrictions, standard-setting, certification, accreditation, or self-regulation programs without the restrictions or programs having been pre-approved by your company's legal counsel.
- 
- **DO** seek prior advice from your company's legal counsel to ensure that any necessary exchange of information is made pursuant to a well-considered plan that has been pre-approved by your company's legal counsel.

### International Licensing Platform Vegetable

P.O. Box 85612 • NL-2508 CH The Hague • The Netherlands

IBAN: NL53ABNA0620517433 • BIC: ABNANL2A • V.A.T. number: NL854528477B01

Telephone: +31 70 318 00 35

mail@ILP-vegetable.org • www.ILP-vegetable.org



- **DO** immediately contact your company's legal counsel if you obtain commercially sensitive information from a competitor or from a third party. The information received may not be used or distributed unless (and to the extent that) your company's legal counsel has formally established the receipt of such information was legitimate and confirmed in writing the approval for distribution and use.
- **DO** insist that ILP meetings have agendas that are circulated in advance and that minutes of all meetings properly reflect the actions taken at the meeting.
- **DO** leave any meeting (formal or informal) where improper subjects are being discussed. Tell everyone why you are leaving. Moreover, if you should receive any prohibited sensitive information during a meeting or thereafter, immediately and expressly distance yourselves. If possible, this should be recorded in writing (in any event internally).
- **DO** ensure that if questions arise about the lawful aspects of ILP's activities or your individual responsibilities under the antitrust laws, 'that you seek advice and counsel from your legal counsel.

Any questions about ILP's antitrust statement should be directed to ILP's Chairman and the Secretary of the Board

**International Licensing Platform Vegetable**

P.O. Box 85612 • NL-2508 CH The Hague • The Netherlands

IBAN: NL53ABNA0620517433 • BIC: ABNANL2A • V.A.T. number: NL854528477B01

Telephone: +31 70 318 00 35

mail@ILP-vegetable.org • www.ILP-vegetable.org