

# Cartels

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## — HOW TO ACT WITH COMPETITORS

**Every company must develop its own commercial strategy and act independently of its competitors, suppliers, customers, and any stakeholders.**

Any agreement or understanding between competitors that has as their object or effect the restriction of free competition is prohibited. This may include agreements that:

- › Set prices or other contractual conditions (e.g. warranties, payment terms etc.);
- › Limit the freedom of other market players to compete (e.g. by limiting market access, development or investment);
- › Allocate customers, markets or sources of supply.

It does not matter what form the agreement takes, nor does it have to be in writing or formalized in any way. Even a simple spoken exchange of information can be considered a cartel.

## — DO

- ✓ — Obtain information about markets and/or competitors from independent public sources
- ✓ — Discuss general and public information on the market and/or the competitors

## — DON'T

- ✗ — Enter into an agreement, discuss or exchange sensitive commercial information (“sensitive information”) with competitors on:
  - › Price, terms and conditions of sale and purchase including rebates and discounts
  - › Margin, profits and cost

- › Market shares
- › Sales volumes
- › Customers (name, solvency, payment terms)
- › Details of bid tenders

X — Agree with competitors on pricing or other commercial conditions for their suppliers or customers

X — Agree with a competitor to favor or eliminate a competitor

X — Agree with a competitor not to do business with certain suppliers or customers

X — Agree with a competitor to share sales, products, territories, customers or suppliers