



**Arbeitsgemeinschaft Die Moderne Küche e.V. (AMK)
[Association for Modern Kitchens]**

**Guidelines on observing the Act Against Restraints of Competition as part
of association activities**

The work of the AMK lives on the cooperation and collaboration of its members. The Act Against Restraints of Competition set down by the Federal Republic of Germany and the European Union competition law, however, sets limits to the association's work, which have to be observed by the employees and members of the AMK and in the past have also been respected with the utmost diligence. Not only does this apply with regard to the limits of a permitted exchange of information between competitors, but in general with regard to all matters that could also be relevant under competition law even to the slightest extent. In case of doubt, the AMK and its members have always preferred, and will continue to do so in future, to seek external legal advice or to even consult directly with the competition authority on the legal permissibility of the association's actual activities.

For many members, however, it is important to have the monitoring of compliance with framework conditions under competition law documented. The aim of these guidelines therefore is to inform and sensitise employees and members of the AMK and their representatives about the key limits and behavioural requirements under competition law.

1. Impermissible exchange of information under competition law

In and on the occasion of association meetings (including the meetings held by the working groups and project teams), it is not permitted to share confidential, market-relevant information that can lead to the suspension of secret competition and to a coordination of the market behaviour between association members.

Not permitted in particular is the exchange of information specific to the business and not publicly accessible about:

- current and future purchase and sales prices and terms and conditions,
- the time and scope of planned price increases or reductions,
- other terms and conditions in agreements with suppliers or customers, which may be relevant to competition (e.g. delivery times),
- production and delivery costs as well as capacities,
- customers and suppliers and their actual receivables/payables,
- sales and turnover figures as well as export quantities and
- future market behaviour, future production as well as planned investments.

Permitted on the other hand is an exchange about legal and political framework conditions (e.g. proposed legislation), general economic developments (also on the supplier and customer side) and generally known, accessible data.

2. Impermissible agreements and coordinated behaviour under competition law

As a matter of principle, all agreements and coordinated behaviour (even without express accord) between companies and decisions by associations of undertakings, which aim to restrict competition or have this effect, are contrary to competition law.

This also includes agreements between non-competitors (for instance between suppliers and customers), e.g. pricing framework regarding customer's resale prices, which act like minimum or fixed prices.

Not permitted in particular are agreements, decisions and coordinated behaviour regarding:

- prices and terms,
- the time and scope of price increases,
- the (non) collaboration with third parties,
- the (non) supply of certain customers,
- current and future production,
- the allocation of markets and
- the allocation of customers and (supply) regions.

3. Guidelines for AMK meetings

From what has been said above, the following requirements result for the association's activities:

- For each meeting, an agenda is drawn up beforehand, which documents all matters dealt with as part of the meeting.
- Matters other than those mentioned in the agenda are not discussed in the meetings, in particular no sensitive matters under competition law.
- Association members shall take no documents with them to association meetings that contain confidential information about their business.
- The chairperson ensures that impermissible decisions, agreements and conversation about matters relevant under competition law do not occur in the frame of the meetings. He/she shall immediately tell participants of the meeting if they are not behaving in compliance with competition law, and shall abort the meeting if need be and postpone it if a legal clarification should be necessary. Participants of the meeting should equally express concerns about the permissibility of discussion topics under competition law and ask for the meeting to be aborted if need be.
- If dubious discussions according to competition law are continued nevertheless, participants should leave the meeting. If a participant leaves the meeting, this is minuted with their name and time.
- Minutes are prepared for every association meeting. If the agenda contains the item "AOB", all matters dealt with under this item are recorded in the minutes in detail.
- The participants of the meeting shall check that the minutes are complete and correct and ask for a correction, particularly if matters relevant under competition law are incorrectly minuted.
- The chairperson shall ensure that all participants of the meeting have taken note of these guidelines, either with the invitation to the meeting or in another way.

The Management Board of

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