



NEASS is strongly committed to maintaining a fair and competitive environment within the power generating systems industry. It is the policy of NEASS to comply strictly with all applicable EU and national competition rules. In confirmation of this policy NEASS has adopted a Code of Conduct that shall be binding on all members and others participating in the activities of the Association.

The purpose of the Code is to provide clear rules for the conduct of the Association's business with the object of reducing the risk of causing a breach of competition law. Compliance with competition/anti-trust law is not only a concern for NEASS as an organisation but is also a matter of self-protection for member companies and individuals attending meetings.

[In general terms this Code of Conduct follows the form and content of the Model Competition Compliance terms recommended by ORGALIME]

Code of Conduct

CORE PROCEDURES

1. Meetings of a body, committee, working group or other form of co-operation within NEASS shall only take place following a written agenda. Meetings shall take place only in the presence of at least one staff member, a member of the Secretariat or an independent professional adviser, who will advise on competition compliance and the sensitivity of subjects discussed.
2. Minutes in writing will be taken at all business meetings convened by the Association. The minutes will be kept in hard or soft copy for a period of at least 10 years.
3. At all Association meetings there will be adherence to the agenda, miscellaneous discussion will be restricted by the Chairman and all matters discussed shall be recorded in the minutes.
4. Discussions should be terminated immediately if a competition concern is identified by the Chairman or the Secretariat and such interventions shall be recorded in the minutes.
5. In the event of doubt about sensitivity, the discussion on the topic in question shall be postponed to the next meeting and professional advice sought.

PROHIBITED TOPICS	TOPICS THAT CAN PRESENT A PROBLEM	TOPICS THAT DO NOT PRESENT A PROBLEM
<p>Discussion of the following topics is prohibited at all Association meetings.</p> <ul style="list-style-type: none"> • Sale prices, price rates, intended price adjustments, recommended prices, discounts, mark-ups, component prices and other price-related topics concerning the products or services of member companies. • Division/sharing of the market – e.g. by allocating a specific geographical area, specific customers or groups of customers to specific members. • Intended or planned restrictions on production or sales. • Pre-consultations with respect to invitations to tender and/or agreeing that all competitors add a surcharge to their bid (to be used for “compensating” the bidding costs of those companies not winning the tender). • The incorporation of agreed cost levels into the cost or pricing strategy of competitors. • The exchange of commercially sensitive market information by individual members- e.g. information about production, turnover, sales, investments, divestments, R&D expenses and other information relating to the marketing strategy for specific products or services. • The content or administration of warranties or guarantees accompanying products placed on the market by members in so far as such discussions may limit competitiveness. • The assessment and declaration of average price or of the price bandwidth within a given sector. 	<p>The following topics are not prohibited but are potentially liable to breach of competition law, particularly when there are a limited number of market players (an oligopoly). Consultation with a person informed on the working of competition law is advisable.</p> <ul style="list-style-type: none"> • General terms and conditions of sale and delivery. [If discussions relate to competitive elements in the terms and conditions such as prices, added costs and charges, manner of indexation, competitive after-sales services etc.] Competition authorities may object to the use of agreed terms and conditions being made mandatory. • Restrictions on participation in trade fairs. [As a general rule each member should be free to participate in any trade fair without restriction or sanction. Recommended limitations on participation are feasible in particular circumstances e.g. as an act of collective bargaining to reduce stand-space charges.] • Schemes setting membership/recognition criteria. These only become significant from the point of view of competition law if the supplier's membership of AMPS is decisive for potential customers when choosing a product or service. • The Secretariat is allowed in principle to collect commercial information about individual companies and to make the information available to members on an aggregated basis. The Office of Fair Trading: “<i>The exchange of statistical data, market research, and general industry studies are unlikely to have an appreciable effect on competition provided that the information exchanged relates to opinion and experience and does not enable</i> 	<p>Activity by NEASS and discussion and consultation in the following subject areas will not normally present any problems under competition law provided prohibited topics are avoided.</p> <ul style="list-style-type: none"> • General cyclical economic data and business climate, as long as discussions on these topics do not relate to individual company behaviour. These discussions focus on the macro level and do not affect any company's behaviour on the market. • Conducting and circulating market research and general industry studies • Lobbying activities relating to general interests in the sector and concentrating on legislation and other public issues that may affect the industry. • Industry training and employment issues. These subject areas are normally considered irrelevant under competition law. • Legal issues. By definition these issues are of a general nature as because they are part of a body of law applying equally to all members' activities and the market. • Standardisation issues. Consultation on the making of manufacturing standards does will not invite investigation if (i) the standard creation procedure is transparent and open, (ii) there is no obligation to comply with the standard, (iii) access to the standard is provided on a fair, reasonable and non-discriminatory terms and (iv) any discussion within the standard-setting procedure are restricted to technical aspects. [Standardisation is aimed at compatibility of products and at

<ul style="list-style-type: none"> • Boycotting specific suppliers or customers. • Collective discrimination on the terms and conditions on which customers or classes of customers are supplied. <ul style="list-style-type: none"> (a) Exclusionary or discriminatory Association membership criteria. (b) Discussion of any other topic that could lead to the co-ordination of market behaviour leading to a restriction on competition. 	<p><i>confidential or sensitive business to be shared. In general the exchange of information on output and sales should not affect competition provided that it is sufficiently historic and cannot influence future competitive market behaviour.”</i></p> <ul style="list-style-type: none"> • Any codes of conduct or best practice benchmarking schemes are conditional upon their not limiting the freedom which members have to compete with each other. 	<p>technical progress; this will normally be to the benefit of the end-user.]</p> <ul style="list-style-type: none"> • Safety and health issues. The Association maintains a constant interest in enhancing safety and health with respect to the use of the sector’s products. • Environmental issues in so far as they relate to the manufacture, distribution and use of the products marketed by the membership.
---	--	--