



Do's and Don'ts – the EBA competition law compliance commitment

EBA COMPETITION LAW COMPLIANCE COMMITMENT

- The EBA has transparent, non-discriminatory and objective membership rules and admission criteria which are published on the website of the EBA.
- The activities organised by the EBA involving its members are conducted in compliance with the articles of the Association and the terms of reference of Working Groups, Expert Groups or other activity groups.
- The terms of reference and the scope of activities of the EBA's Working Groups, Expert Groups or other activity groups aim to be in full compliance with national and EU regulations.

A Competition Law Compliance Policy has been endorsed by the Board of the EBA which is committing to the highest ethical standards and behaviour.

This document provides competition law guidance to the members of the EBA when carrying out or participating in EBA activities or events, to officers and employees of the EBA, to Board Members and to contractors acting on behalf of the EBA.

STRICT OBSERVANCE AND COMPLIANCE WITH COMPETITION LAWS IS KEY TO EBA'S SUCCESS

- Care should be taken by the EBA, its members as well as participants in activities and events of or facilitated by the EBA to avoid engaging in anti-competitive behaviour or giving the appearance thereof;
- Strict compliance with EU and national competition laws forms part of the discipline of the EBA and is key to its reputational success and integrity;
- Any violation of competition laws can lead to lengthy and costly investigations, significant reputational damage, business disruption, hefty fines, criminal sanctions.

FUNDAMENTAL RULE

Any **concerted practice** restricting competition is prohibited – unless it is producing significant benefits for the consumer; coordinating practices influencing the competitive behaviour of companies active on the same market, in particular price fixing / allocation of customers or markets, are treated as **cartels** and are heavily prosecuted.

- **DON'T** discuss or share competitively sensitive information in or around EBA events;
- **DON'T** use the EBA as a forum for collusion, sharing competitively sensitive information between members (e.g. pricing, trading conditions, markets, customers...) or as a vehicle for coordination of competitive conduct;
- **DON'T** attend industry or trade association meetings without written agenda or clear indication of the purpose;
- **DON'T** participate in any information exchange, market survey or benchmarking exercise that allows access to individualised competitive information from the various competitors;
- **DON'T** engage in conduct the purpose or effect of which is to exclude competitors or to engage in collective boycotts.

- **DO** keep track of what was said and by whom during any contact with competitors of business partners, and insist that meeting minutes or notes accurately reflect the matters that transpired;
- **DO** immediately object when your interlocutor(s) offer(s) to exchange commercially sensitive information / leave the meeting and ensure your departure is recorded / contact your compliance department;
- **DO** report to your compliance department any competition law related incident in which you have been involved or have been aware of.

In order to get clearance before pursuing further, or for more information:

- *Consult your own counsel for specific/additional guidance*
- *Contact the EBA at association@abe-eba.eu for matters regarding the Competition Law Compliance Policy*

This summary note is proposed for convenience purposes only and describes high level common sense practices in the considered global context. It should not be treated as a complete guide to competition laws and is without prejudice to diverging requirements as may be applicable in each jurisdiction. For more comprehensive guidance please refer to the EBA Competition Law Compliance Policy.