

# Competition Law Compliance Policy

Version 2.0 – Final  
1 December 2023

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Euro Banking Association

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## 1. Introduction

### 1.1. The Policy

This policy (the “Policy”) has been endorsed by the Board of the EURO Banking Association (the “Board”) as part as the Board’s commitment to the highest ethical standards and behaviour.

This Policy of the Euro Banking Association (the “EBA”) aims to promote strict observance and compliance with all applicable competition laws and to avoid the appearance of any improper or illegal conduct. “Applicable competition laws” include EU laws as well as relevant national laws directly or indirectly relevant to the activities of the EBA and/or any entity or person participating therein.

The EBA will use its reasonable efforts to comply in all respects with applicable competition laws. Likewise, members must use their reasonable efforts to comply in all respects with applicable competition laws and this Policy when carrying out or participating in EBA activities. In addition, non-members who participate in activities of or facilitated by the EBA, whether directly or indirectly, must observe applicable competition laws.

The Policy is intended to provide competition law guidance, to members of the EBA when carrying out or participating in EBA activities and events, to all officers and employees of the EBA, when they interact during meetings, conference calls and any other contacts with any independent third party, and to Board Members when acting on behalf of the EBA. Contractors and any other person or intermediary, acting on behalf of the EBA, are also expected and intended to abide by this Policy. As appropriate, the EBA shall provide information on this Policy at the start of an activity group.

### 1.2. Version History

Version	Status	Name	Approved by	Revision date
V1.0	Final	Anti-Trust Policy	EBA Board	2 June 2017
V2.0	Final	Competition Law Compliance Policy	EBA Board	1 December 2023

## **2. Reminder**

The EBA is an industry association, and its members as well as participants in EBA activities and events, including fora and practitioners panels, include potential competitors. Therefore, care should be taken to avoid engaging in any activity that would infringe or give the appearance of infringing antitrust / competition law rules.

Any violation of applicable competition laws can lead to lengthy and costly administrative (and in some countries criminal) investigations, significant reputational damage, business disruption, hefty fines, civil liability for damages, and, in a growing number of countries, sanctions against individuals having engaged in illicit conduct.

It is the responsibility of each addressee to ensure strict compliance with this Policy.

## **3. EBA Competition Law Compliance Commitment**

Strict compliance with EU and national competition laws forms part of the leadership commitments of the EBA and is key to its reputational success and integrity.

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.

## **4. Fundamental rules**

Competition law prohibits anticompetitive agreements and abuse of a dominant position.

Any agreement or concerted practice which restricts competition is prohibited unless it produces significant benefits to consumers. Agreements or concerted practices which are aimed at coordinating or influencing the competitive behaviour of companies active on the same market – in particular the fixing of prices and/or output, the allocation of customers or markets – are treated as cartels and are the most heavily prosecuted by EU or national competition law authorities.

## **5. Do's and Don'ts**

Competition law risks exist for the members of a trade association, for the association itself, and for all participating in activities or events of trade associations. At events or meetings among actual or potential competitors, there may be a risk that participants in those events or meetings disclose or discuss information in violation of applicable competition laws or

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otherwise act in an anti-competitive manner.

The Policy provides hereunder a list of Do's and Don't's when engaging any contact with competitors. The Do's and Don't's are examples of situations that should cause you to ask questions about a particular situation and the risks that it might pose under applicable competition laws. The list below is not exhaustive.

When attending EBA related or facilitated events, meetings, conference calls or other activities including fora and practitioners' panels with competitors (or other trading partners):

- **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,...)
- **DON'T** use the EBA as a vehicle for coordination of anti-competitive conduct
- **DON'T** attend industry or trade association meetings without a 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.

In addition, it is particularly important that you:

- **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. If the discussions nevertheless proceed, DO leave the meeting and ensure your departure is properly recorded and immediately contact your compliance department
- **DO** report, as applicable to your compliance function/department or to the compliance function/department of the EBA group, any incident in which you have been involved or have become aware, which in your judgement would constitute a breach of applicable competition laws or give the appearance thereof.

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## **6. Prior clearance**

In order to get clearance before pursuing further, all members of the EBA, Board members, officers and employees are encouraged to inform or raise questions, as applicable, with the legal counsel of the EBA or with the compliance department of their institutions if a situation arises that could constitute a breach of applicable competition laws or if they are in doubt a particular situation.

**All questions and/or suggestions in relation to the above Policy may be directed to the EBA at [association@abe-eba.eu](mailto:association@abe-eba.eu).**