

## DFF e.V.

### Competition Law Policy and Guidelines

DFF and its members unequivocally support the policy of competition served by the competition laws in the EU and around the world, and uncompromisingly state that they intend to comply strictly with such laws.

With that in mind, the DFF has established this document to help ensure that all activities are conducted well within the limits of competition law, and requires that all members strictly abide by these guidelines both at formal and informal DFF meetings, which shall be provided to all existing members and any future members of the DFF.

Specifically:

1. Members of the DFF shall not use the DFF for the purpose of bringing about, or attempting to bring about, any understanding or agreement, written or oral, formal or informal, express or implied, among and between competitors to unreasonably restrain trade. Examples of prohibited agreements include:

- **Bid Rigging:** An agreement among bidders to predetermine the winning bidder that limits or eliminates competition, including but not limited to:
  - **Bid Suppression:** agreeing not to bid,
  - **Complementary Bidding:** give the appearance of genuine bidding,
  - **Bid Rotation:** take turns being the low bidder,
  - **Subcontracting:** agreeing not to bid or to give a losing bid in exchange for some other benefit
- **Price Fixing:** An agreement among competitors to raise, fix, or otherwise maintain the price of goods and services, including but not limited to:
  - Price Discounts,
  - Hold prices firm,
  - Use a standard formula for computing prices,
  - Maintaining price differentials between types, sizes or quantities of products,
  - Minimum price schedule
- **Market Allocation:** Agreement among competitors to divide markets by allocating specific customers, products or territories:

- Agreements to boycott or refuse to deal with another firm;
- Agreements to restrict output (such an agreement on how much of a compliant product members will each produce).

2. Further, the members of DFF shall not share or exchange information where such information could lead to anti-competitive foreclosure, either directly or using the DFF as an intermediary. This includes but is not limited to the following information:

- Profits, profit margins, conditions of sale or rebate policies;
- Costs;
- Market shares, sales territories, sales volumes, production or capacity;
- Marketing or distribution strategies;
- New projects or R&D strategies, unless specifically related to DFF activities
- Current or future business plans relating to any competitive issue, including sales, marketing or distribution and any other matters as to which members compete, or
- Any issue unrelated to the DFF or pertaining only to individual members.

3. Finally, any standards or certification programs which the DFF may now or in the future devise shall not be used in an exclusionary fashion, such as, e.g.:

- Using standards or certification programs to exclude suppliers or competitors from the marketplace for any reason other than cost-performance or technical considerations;
- Conditioning the implementation of a standard or specification on the implementer's use of products or services from a particular supplier;
- Any matter that would have the primary purpose of excluding competitors of companies participating in the Consortium.

4. No applicant for membership who otherwise meets the qualifications shall be rejected for any anticompetitive purpose.