



## Transfrigoroute International

The Inter-Professional Organisation Serving Temperature-Controlled Transport and Logistics

# TRANSFRIGOROUTE INTERNATIONAL COMPETITION POLICY STATEMENT AND COMPLIANCE GUIDELINES

## I. TI competition policy statement

TI has the aim to take all suitable measures to promote the development of the transport of temperature-controlled foodstuffs (and goods), in solid and in liquid form. Therefore, it groups together at international level all natural and legal persons interested in this form of transport to contribute to the formation and activation of TRANSFRIGOROUTE National Groups. Transfrigoroute International is open to both hauliers transporting goods that need temperature control and to manufacturers of commercial vehicles, refrigerating equipment and accessories, as well as technical testing organizations.

Transfrigoroute International collaborates with the relevant international organizations and advises international governmental organizations and other multinational bodies. Furthermore, TI informs users and the public of the services provided, and the specific advantages of the road transport of temperature-controlled goods, aims to improve the association's image.

TI is committed to comply strictly with all laws that govern its activities, including all competition and antitrust laws in the countries in which it is active. It has taken a number of steps to ensure that all members of the TI Board of Representatives are aware of the **TI Compliance Guidelines** and have agreed to conduct all meetings and activities taking place in the TI framework in strict accordance with this Programme.

These various steps include the following:

- As a first step and a preventive measure, TI staff and membership have been requested to familiarise themselves with the essential elements of the competition rules and been reminded of the need to ensure compliance with competition law with regard to all meetings and activities of TI, as well as those of the working groups, associated associations and other groups recognised under the TI Statutes.
- The Secretariat has sent copies of the **TI Compliance Guidelines** to all groups and asked its members to sign a document confirming receipt at this occasion.
- Copies of the **TI Compliance Guidelines** will be made available at all TI meetings and can also be obtained at any time from the Secretariat.
- Discussions at such meetings will focus on TI's legitimate purposes thus avoiding any aspects which could result in violations of the competition rules. To achieve this they will follow a written agenda which is sent out prior to the meeting and which has been checked to ensure that all items satisfy the aforementioned criteria. The agenda shall also indicate the exact time of the beginning and end of the meeting.

Moreover, the following TI Compliance Policy will be read out at all such meetings and events:



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*TI is committed to comply strictly with all laws that govern its activities, including all competition and antitrust laws in the countries in which it is active. Failure to do so may have serious consequences for TI, its members and their customers as well as for the final consumer.*

*Violations of EU competition rules may result in the imposition of fines and/or penalty payments for the undertakings responsible.*

*As a matter of precaution, if today's discussions appear to implicate, to any degree, any of the proscribed topics outlined in the **TI Compliance Guidelines**, the chairman will move to terminate such discussions immediately.*



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### **II. TI Compliance Guidelines**

#### **1. Overall Objective**

The objective of these Guidelines is to ensure that all of TI's activities are in compliance with the applicable laws, in particular with the competition laws of the EU and of any other party whose laws are applicable to the activities of TI.

Thus TI, shall not agree, participate in, or give consideration to any activity, plan, understanding, agreement, concerted practice or other arrangement that constitutes a violation of any relevant competition rules, nor shall it facilitate in any way the violation of such rules by any of its members.

This includes but is not limited to actions, including the exchange of information, that would or would contribute to

1. directly or indirectly fix purchase or selling prices or any other trading conditions;
2. limit or control production, markets, technical development, or investment;
3. share markets or sources of supply;
4. apply dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage;
5. make the conclusion of contracts subject to acceptance by the other parties of supplementary obligations which, by their nature or according to commercial usage, have no connection with the subject of such contracts.

Members of TI shall consult with the TI secretariat whenever they are in doubt about the legality of any action in relation with TI activities, including when they have doubts about the use of information obtained in the framework of TI activities.

#### **2. Specific Guidelines**

1. Discussions in all TI meetings, including Executive Committee, Board of Representatives, FCI and CCT meetings, should relate solely to TI's legitimate purposes and should avoid discussing competitively sensitive information, as such discussions may lead to the inference of an illegal agreement on prohibited topics. To this end, there should be no discussion, communication or other exchange between members of TI and/or their representatives regarding any of the following categories of information:
  - Prices or pricing strategy. This requirement is to be interpreted broadly, to include, for example, current or projected prices; price levels; pricing procedures or formulas; price changes or differentials; markups; discounts.
  - Allowances; terms and conditions of sale, including credit terms, warranty provisions, etc.; or other information that might comprise an element of a product's price, including profits, margins or cost data.
  - Production levels, production capacity, or product inventories.
  - Plans pertaining to the development, production, distribution, marketing, or introduction dates of particular products, including proposed marketing territories and potential customers.
  - Terms on which any TI members will or will not deal with particular competitors, suppliers, distributors, or customers.



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- Current or projected cost of procurement, development, or the manufacture of any product
- Allocation of customers, markets or territories.
- Non-public information regarding market shares.

Discussion of these aspects in general and in a consolidated manner is possible, provided the consolidation is carried out by a neutral party and in a way which does not allow parties to gain information about the practices of individual firms.

2. TI membership should be available to all interested undertakings which meet the qualifications set forth in TI's Statutes on reasonable terms. No applicant for membership, who otherwise meets those qualifications, should be rejected for any anti-competitive purpose or solely for the purpose of denying such applicant the benefits of membership. The article 5.2 of the TI Statutes on the admission procedure specifies that the Delegate's Assembly takes the final decision to accept or reject membership applications.
3. Special care should be taken to ensure that no TI meeting is used as a means of violating the terms of these Guidelines or any other part of the **TI Compliance Guidelines**. Accordingly, the following practices shall be followed:
  - All meetings shall follow a pre-established written agenda. If potential competition policy questions are raised by an agenda item, such item will be reviewed in advance by the Secretariat.
  - The Secretariat shall prepare minutes promptly after the meeting, summarising all matters discussed. Only minutes approved by the relevant Committee and the Secretariat shall be distributed and only minutes as approved need be retained. The purpose of this is to avoid the preservation of misstatements and ambiguities that may create misperceptions of the meeting.
  - Informal meetings should not be held and informal discussions should comply with the standards of these Guidelines.
4. Each member, including any new member, of TI shall be supplied with a copy of the **TI Compliance Guidelines** and must agree to abide by that Programme.

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On behalf of [*name of the company/association*] .....  
I, [*name of signatory*] ..... hereby recognise that I have read the TI  
competition policy statement and compliance guidelines and commit to respecting the EU  
competition rules in the framework of TI activities

Signature:

Date: