

ICAAMC (International Compressor Applications and Machinery Committee)

Compliance Programme – Code of Conduct Rules for the day to day business

These rules include guidelines to ensure that the activities of the Committee comply with the spirit and the letter of applicable competition laws and regulations and shall be adopted as an addendum to the ICAAMC's Charter. The rules of the compliance programme can be summarised as follows:

– Internal rules and procedures include

- Compliance declaration signed by each member representative attending a meeting, confirming each member's commitment to the overall compliance programme (this document).
- Compliance declaration of the General Secretariat (signed) to follow the rules of competition law.
- That compliance with competition law is a mandatory item of the agenda of each meeting.
- That each company representative in committees and any other groups created under the ICAAMC, receive the Compliance Programme and sign for the receipt of the documents.

– Market information

- ICAAMC only engages in assembling information for statistics and market surveys to the extent proposals for engaging in these activities have been reviewed and approved by legal advisors of the member companies and ICAAMC.
- There shall be neither exchange of pricing, cost, output, information on specific customers or market share or market allocation information nor recommendation for market behaviour.
- Committee meetings on Market information will not take place without the presence of independent outside counsel specialised in EU and US competition law, unless within the context of the Secretariat reporting at a general meeting on the form and scheduling of a statistical exercise, appropriate legal advice having already been sought.

- Agreements/Programs/Plans

Agreements, programs, plans, arrangements or understandings among any of the ICAAMC members shall not be taken unless it is clear that they comply with competition law, and if there is any doubt, without the prior approval of independent counsel specialised in EU and US competition law.

– Position Papers / Joint declarations

These declarations shall not constrain the freedom of action of stakeholders and shall not unfairly distort the market.

– Publications/ Press releases

If ICAAMC issues a publication or press release, it shall exclude any wording that would allow members to engage in or implying anti-competitive behaviour. There will be no information about price adjustments and recommendation for business activities.

Bulletin for company-representatives attending ICAAMC bodies (Committees, work groups, etc.)

The Compliance Programme of ICAAMC is made available to every company-representative at the start of every meeting – and they are required to sign that they have read and understood it.

As a summary this bulletin reflects principles and rules that need to be complied with at each meeting of ICAAMC:

- We shall not solicit or exchange commercially sensitive company information (including, but not limited to, pricing, cost, output, customer information and market share and allocation information) and shall not engage in discussions that could constitute or possibly lead to anti-competitive conduct, whether during or outside of any meeting of ICAAMC.
- We shall not enter into any agreement, program, plan, arrangement or understanding with any other ICAAMC member without the prior approval of independent outside counsel.
- We are aware that the violation of competition law may result in high fines and possible damages claims by third parties.
- We shall not organise any meeting in the name of ICAAMC.
- We shall not hold any meeting in the name of ICAAMC without the participation of the General Secretariat, and/or any appropriate third party.
- We shall not compose any publication or minutes of meetings in the name of ICAAMC without the approval of the General Secretariat.
- We are committed to be advised by the ICAAMC general secretariat about compliance issues on a regular basis.

ICAAMC

Guidance for committees on market discussions

As in all matters, ICAAMC is committed to acting in a fair and legal manner and avoiding anything which might risk infringing fair competition or distorting the market.

The legal advice we have consistently received is that ICAAMC statistics are legal, in the categories that data is collected, and under the geographic divisions in which they are summarised.

In discussion at meetings about market performance or prospects, committees should be careful to limit discussion to interpretation of statistics – whether generated by ICAAMC or a third party - or economic analysis.

Matters should not be discussed when there might be a risk of revealing individual company sales or prospects of sales, or of order information related to individual country markets.

Common sense should be exercised in determining if discussion is becoming too detailed, and if there is doubt, legal advice should sought before proceeding further. Committee chairman and sub-committee chairmen have a duty to be particularly vigilant in this regard and committee members should respect their decision if they decide that discussion should be curtailed.