

Antitrust laws protect free and unrestricted competition between all players at all levels of the supply chain.

In summary, antitrust laws prohibit:

- agreements or concerted practices (such as a common understanding) that aim at or result in the restriction of competition, and
- the abuse of a dominant position.

Basically, this means that companies must compete independently from other market players and must not seek to control the commercial policy and practices of its retail customers and distributors/wholesalers. Companies must not coordinate its competitive behaviour with other companies to try to avoid or reduce the rigours and uncertainty of a competitive marketplace.

This covers both contacts with competitors and interactions with retail customers and distributors/wholesalers.

## INDUSTRY ASSOCIATIONS

Industry Associations have a legitimate and beneficial role in bringing industry members and competitors together for the identified purpose of joint advocacy on key issues for the industry.

At association meetings, the members are requested to provide information and exchange ideas about the current market situation and economic prospects to provide direct industry advocacy platforms and direction. The information provided is of more general nature is accepted, as far as it does not draw conclusions to the individual behaviour of competing companies.

Bicycle Industries Australia (BIA) is the association that supports the business interests of bicycle and bicycle parts manufacturers, importers wholesalers and retails in the Australian bicycle industry. It deals in accordance with the statutes with all common economic, political, technical, and scientific interests of its members in the field of the bicycle and e-bike, components and accessories industry.

The BIA operates within any Australian antitrust laws and policies that reflect the most current requirements.

The legal requirements related to the meetings of associations have to be strictly adhered to.

# BIA ANTI-TRUST OPERATION GUIDELINES



According to this, all agreements between companies, decisions of business associations and interest unions are prohibited if they prevent, restrict, or distort competition or intend to do so.

The following guidelines are intended to deal with antitrust matters, allow differentiation between allowed and improper behaviour and give direction for necessary reactions to behaviour that does not fit within this policy or any legal requirements.

Due to the requirements of antitrust law, this policy is provided as a guideline and does not provide a legal opinion.

## **I. Illegal agreements and decisions**

In connection with association meetings, no agreement or agreement between the members of the association may be made on:

- The pricing and sales conditions of their products.
- Production reduction and quantities or market supply with one product.
- The Division of markets or sources of supply.
- "blacklists" or boycotts of customers, suppliers, and competitors.
- The Limitation or control of investments or technical developments.

The BIA will not take any actions or provide directions to its members which may be construed as breaking this policy or antitrust guidelines.

## **II. Opinion and information exchange**

An exchange of views and information between members in association meetings is intentional and permissible. In the context of such communication, however, the antitrust and other legal limits must always be observed.

*Discussions would generally be restricted to:*

- Information about general business expectations of companies, their entire product range or entire business areas, as far as the information does not allow conclusions on the market position or market development of individual products.
- General economic data.
- Current legislative proposals and their consequences for the entirety of the member companies, without thereby bringing about concerted behavior in the competition.
- Discussions about lobby activities of CONEBI.
- Benchmarking activities (where data are freely available on the market, data is not related to specific products or individual market behavior or the information has no competitive relevance).
- Elaboration of an industry overview without allowing conclusions to be drawn on individual company data or the market behavior of individual companies.

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- General exchange of data that is freely accessible (e.g., by the Federal Statistical Office, the daily press, the Internet or published annual reports of member companies).

*Discussions should generally not include:*

Even without the aspect of a (planned or carried out) agreement, there should be no exchange of information on the following topics (as far as publicly accessible information is not concerned):

- Individual buying and selling prices and buying and selling conditions of companies.
- Planned price increases or decreases as well as changes in the product range structure.
- Individual price policies, price levels, condition systems.
- Price differences, discounts, bonuses, credits, credit terms.
- Manufacturing and sales costs, cost calculation methods.
- Individual company figures for reference costs, production, stocks, purchasing and sales volumes.
- Planned projects of individual companies in terms of technology, investments, design, production, sales, marketing for specific products.

For this reason, the BIA will only provide market information, market surveys or statistics containing only anonymised and non-identifiable aggregate data. The BIA will not release any information that allows for conclusions to be drawn on individual and not yet proven publicly known market behaviour of its members.

The BIA expressly points out that company representatives are prohibited from accessing competitively sensitive data from competitors, including in their work for the BIA.

Members of the BIA will therefore promptly inform the BIA if, in the context of activities in their BIA work (for example, in the preparation of market studies), they see the risk of coming into contact with competitor-sensitive data from their competitors.

The BIA will relieve the company representative in this area of its activity and entrust a third party with the corresponding activity.

Within the framework of its statutory jurisdiction, the BIA is at all times free to entrust confidentiality to third parties with access to individual corporate data and for processing aggregate results for market analysis.

## III. Meeting management

### *Antitrust regulations*

The BIA communicates to its members that at all meetings, events or correspondence undertake strict observation of this policy.

### *Invitations*

To all meetings or events, the members are officially invited by the responsible staff member of the BIA. An agenda will be sent to members shortly before the meeting. If necessary, the BIA also ensures that the agenda and meeting documents are clearly formulated and do not contain any aspects of antitrust concern.

In case of doubt, the members of the BIA are obliged to inform the meeting/event manager in advance of any antitrust related aspects of the meeting that are of concern.

### *BIA meetings*

At all meetings, the participating members are informed at the beginning of the meeting that they have to strictly comply with antitrust regulations. If any content relevant to antitrust law is addressed during the meeting, all participants are equally obliged to notify the other participants immediately and to demand the termination of this point of discussion.

The meeting management may then, at its discretion, cancel the entire meeting, postpone it or, at short notice, get in touch with a specialist external legal advisor, if a legal clarification appears necessary.

If the session continues against the will of one or more participants in the meeting, the meeting participants concerned must object and leave the session, at least temporarily.

The objection and the departure from the meeting room are to be recorded by the session management with name and time.

Deviation from the agenda is not permitted as far as it relates to commercially sensitive issues. Each participant in the meeting is required to demand the termination of such discussions outside the agenda (including during breaks in meetings or prior to or following the meeting).

### *Protocols*

About the contents of BIA meetings, including decisions made there, always accurate, complete and accurate protocols will be made. The protocols should be made available to all participating members in a timely manner.

If, from the point of view of the participants in the meeting, the formulations do not reflect facts (in particular those of relevance to competitors), are incorrect or incomplete, the meeting participants are obliged to immediately inform the BIA about the misrepresentation and to demand a correction.

The BIA will correct the protocol if appropriate and send it again to all participants in the meeting.

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## *Independent meetings of members*

The monitoring of antitrust regulations is only possible for the BIA in the context of joint events. Any unlawful conduct of the members outside the BIA activities is beyond the control of the BIA and thus does not fall under the responsibility of the BIA.

This concerns e.g. also dinners in the context of an association meeting, since many members arrive for distance reasons already the day before. The BIA expressly points out that the abovementioned antitrust provisions also apply outside the BIA meetings and expressly distances itself from any type of antitrust behaviour by its members.

## **IV. BIA communication**

The BIA will not issue any industry information or make any appropriate association recommendations that seek or cause an inadmissible exchange of information, or that aims at a uniform competitive behaviour of its members or at the exclusion of non-members. The BIA will not call for boycotts and will offer third parties a non-discriminatory opportunity to join the association in accordance with the BIA's statutes.

## **V. Legislative act**

Trade Practices Act (1974)  
Prices Surveillance Act (1983)

Schedule for review – December 2021