

Antitrust Policy Statement

Introduction

It is the policy of the International Cargo Handling Coordination Association (ICHCA) and its Members to comply strictly with all laws applicable to Association activities. Because our Association activities involve cooperative undertakings and meetings of competitors, which may be viewed critically by antitrust enforcement agencies, it is important to emphasize the full commitment of our Members and ICHCA to full compliance with national and international antitrust laws. This statement is a confirmation and reminder of that commitment as a general guide to those antitrust principles which have particular significance to our activities and meetings.

This statement is not a summary of the laws applicable to trade association activity. It is intended only to highlight and emphasize the principal antitrust standards which are relevant to ICHCA activities. The antitrust laws are stated in general terms, and it is frequently difficult to be certain how those laws may be applied in individual cases. You should, therefore, seek the guidance of the Association and your own corporate legal department if antitrust concerns arise.

Responsibility for Antitrust Compliance

ICHCA's structure has been fashioned and its activities are carried out in conformance with antitrust standards. An equal responsibility for antitrust compliance - which includes avoidance of even an appearance of improper activity - is yours. Your corporate employer and this Association depend on your good judgment to avoid all discussions and activities which you believe involve improper subject matter or improper procedures.

ICHCA secretariat, officers and directors work conscientiously to avoid subject matter or discussion which may have unintended implications. It is important for you to realize, however, that the competitive significance of particular conduct and communication probably is most readily evident to you, who are directly involved in the industry.

Antitrust Guides

These guidelines deal specifically only with national antitrust laws which have most direct relevance to your trade association activities. In the United States, the principal relevant statutes are the Sherman Act, which is enforced primarily by the Antitrust Division of the United States Department of Justice, and the Federal Trade Commission Act, which is enforced by the Bureau of Competition of the Federal Trade Commission. In Europe, the relevant regulations are Articles 101-102 TFEU and subsequent legislation, which are enforced primarily by the European Commission and the national competition authorities of every Member State of the European Union. Penalties for violating the antitrust laws are severe. Corporations are subject to heavy fines and injunctive decrees which can have far-ranging impact on corporate activities, and may be liable for substantial damage judgments. Individuals may be subject to criminal prosecution, and may be punished by fines and imprisonment.

In general, the antitrust laws seek to preserve free and open competition. Competitors may not restrain competition among themselves with reference to the price, quality - or distribution of their products, and they may not agree or act together to restrict the competitive capabilities or opportunities of other competitors, their suppliers or their customers. In all trade association activity, you should heed the following guidelines:

Prices

Prices, discounts or other terms of sale must never be discussed at ICHCA meetings.

Other Competitive Information

Communication or exchange of confidential competitive information of other kinds is also improper, and ICHCA imposes safeguards to prevent inappropriate disclosures. For example, when the Association compiles and publishes composite statistical information, its reports are made for proper uses and purposes and represent an aggregation of historical data from its Members. An individual Member's data is not disclosed to other Members or to those outside the Association.

Meetings

Internal ICHCA meetings are carefully structured and monitored. An agenda is prepared and circulated in advance, and is followed at the meeting. Minutes of each meeting are prepared, reviewed, circulated and adopted. An ICHCA representative attends all internal Association meetings and the minutes of each meeting will include an accurate list of members present. There are no informal meetings of the Association or any of its Committees, Working or Correspondence Groups. Discussion of Association matters shall not be undertaken in informal groups or on unannounced occasions.

Participation

There will be no coordination directly or indirectly of commercially sensitive activity through the Association. Commercially sensitive activity includes any activity that might limit the commercial freedom of members with regard to prices or other terms and conditions that members may choose to apply. There will be no discussion of commercially sensitive information or data that is not publicly available from sources other than the members. Where any activity of ICHCA may involve the passing of information that is not publicly available, ICHCA shall only carry out such activity in a way that is fully compliant with applicable competition law. Any conclusions in discussions on the position, actions or guidelines or other initiative of the association/working group will be voluntary.

Membership

Membership of ICHCA is open to all relevant organisations and will not be denied to any firm if such a denial would unreasonably restrain trade. A list of members' names will be maintained and held on file by the Secretariat. Association meetings are open to all Members, and our publications are available to all Members.

Improper Appearances

Compliance with this policy involves not only the avoidance of antitrust violations, but the avoidance of any behaviour which might be so construed. Communications or correspondence must never be conducted in a surreptitious manner or contain language which could be misunderstood. Copies of all association-related correspondence should be sent to an appropriate officer, director or member of the secretariat. If any question arises about ICHCA activity, you should consult your corporate legal department or the Association. Conclusion The International Cargo Handling Coordination Association will not knowingly be a party to conduct which restricts in any way a Member's freedom to make independent decisions in matters that affect competition. You have an important responsibility to make sure that our association activities conform to this standard.

Last updated: 24 February 2017

If you have any questions related to ICHCA International's Antitrust Policy, please contact the Secretariat at secretariat@ichca.com