

ANTITRUST GUIDELINES FOR Meetings of the cable industry under the umbrella of ICF

The International Cable Makers Federation (ICF) was established in 1990 as an international Association under Austrian Law and has its permanent secretariat in Vienna. The ICF does not make any profits. The products within the scope of the ICF are insulated electric wires and cables, optical fibre cables and enamelled wires. The main objectives defined by the constitution of the ICF include, amongst others, (i) the promotion of the use of cables, (ii) the promotion of energy saving and increased safety (iii), the improvement of the recovery and re-use of cable materials, (iv) the analysis and collation of statistical data of interest to the industry, (v) the maintenance of worldwide relationships within the wire & cable industry whilst complying with all antitrust and cartel prohibition legislation, applicable to any of the members. Currently, the ICF has more than 100 members from more than 30 countries of all regions in the world.

The following guidelines with respect to compliance with the antitrust laws are intended to govern the conduct of participants in cable industry trade association meetings, both at the meeting itself and in informal discussions before or after the formal meeting.

Price. Competitors should not discuss future prices (including terms of sale) of their products and/or announce their intentions to lower or increase prices. An information exchange between competitors about the prices they wished to see charged on the market should not take place. There is no blanket prohibition against the mention of or reference to current or past prices but limits must be observed. Such references or mentions should occur only when necessary in connection with the development of association programs. Whenever possible, such references should be discussed in advance with legal counsel.

Market Share. Competitors should not discuss the market share of a particular cable producer. Furthermore, nothing should be said at a meeting which could be interpreted as suggesting prearranged market shares for such products or producer production levels.

New Products. Competitors should not encourage or discourage the introduction of a new product by another competitor or reveal a particular cable company's plans to change the production rate of an existing product or to introduce a new product. No company should disclose to another company whether it is in a position to make or market a new product. New products may be discussed in a technical manner. In addition, proposed methods for and results of field and laboratory testing can be considered.

Other Competitive Information. An information exchange between competitors about their profitability thresholds, the sales volume restrictions they judged to be necessary, their sales figures or the identity of their customers should not take place. In general, an exchange of information should not have the aim and/or effect of revealing the market positions and strategies of the various individual competitors. Thus, no competitor should reveal its future conduct on the market.

The Role of Legal Counsel. Legal counsel may attend association meetings to advise association staff and other meeting attendees regarding the antitrust laws and to see that none of the matters discussed or materials distributed raise even the appearance of antitrust improprieties. During the course of a meeting, if counsel believes that the discussion is turning to a sensitive or inappropriate subject, counsel will express that belief and request that the attendees return the discussion to a less sensitive area.

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The guidelines were reviewed and prepared by

WOLF THEISS

Attorneys-at-Law
Schubertring 6
1010 Vienna
Austria

www.wolftheiss.com

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These guidelines are for general information only and are not intended to provide legal advice in specific situations.