

PLASTICS INDUSTRY ASSOCIATION (PLASTICS) ANTITRUST REMINDERS AND MEETING GUIDELINES

Group activities of competitors are inherently suspect under the antitrust laws. Many agreements and activities between and among competitors, however, are both legal and beneficial to society and the industry. It is expected that all member representatives involved in PLASTICS activities, as well as PLASTICS consultants and meeting participants, will be sensitive to the legal issues involving trade associations and take all measures necessary to comply with U.S. antitrust laws and similar foreign competition laws.

Whether seriously or in jest, **do not discuss** or exchange information regarding:

Prices, including:

- Individual company prices, price changes, price differentials, pricing patterns or policies, discounts, allowances, credit terms, warranties, rebates or special financing, indemnification agreements, or other terms and conditions of sale affecting price.
- Industry pricing policies, price levels, price changes, pricing procedures, profit margins or other data that bear on price.
- Individual company data on costs, production, capacity, inventory, sales, profit margins or other data that bear on price.

Production, including:

- Individual company plans concerning the design, production, distribution or marketing of particular products or product features, including possible or proposed customers or territories.
- Agreements with competitors to control or limit production, restrict or allocate exports or imports, control or limit product quality or research or allocate sales according to customers, territories or products.

Marketing procedures, including:

- Matters relating to dealing or not dealing with actual or potential individual suppliers, customers, or competitors that might exclude them from the market;
- Territorial restrictions, allocations of customers, restrictions on types of products or any other kind of market division.

Meeting Guidelines

- Agenda will be prepared and distributed before the start of the meeting.
- Meeting discussions will be limited to agenda items unless the Chair approves additional topics.
- Minutes of a meeting represent the legal record of what transpired. Carefully review draft minutes and call for corrections if the meeting minutes are not accurate.
- Staff (or counsel) will be present at each meeting.
- Object to any discussions or activities that appear to violate PLASTICS' antitrust policy.
- Avoid colloquial language that might be mis- characterized later (e.g., "dominance," "only game in town," "control of market").

This list is not exhaustive and understanding and acting in compliance with U.S. and foreign antitrust and competition laws sometimes can be difficult. If you have a question about the propriety of PLASTICS activities or discussions in a PLASTICS meeting, you are encouraged immediately to contact PLASTICS counsel or your company's legal counsel.

Confidentiality Reminder

It is expected that all members of PLASTICS will act in the best interests of the association. Discussions at meetings and any documents or other materials that are produced or distributed are confidential. Details of the meeting should not be published, disclosed to any third parties, or used except in support of official PLASTICS business. Naturally, member company representatives can share this with appropriate personnel within their own companies; when distributing within your companies, please remind the recipients of the confidential nature of the information.