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Guidelines for participation in Performance BIB Meetings in respect to promoting particular products and competition law compliance

Version of 24 July 2006

The following guidelines apply to all meetings and discussions organized by Performance BIB, whether they be General Meetings, Work Groups, or any other type of meetings and discussions, whether or not they involve the physical presence of the members. These same rules therefore also apply to internet forums.

Any member found to be in breach of these rules will be excluded from meetings and, after examination by the Governing Body, excluded from Performance BIB.

1) Guidelines in respect to members not promoting their particular products

It has been a policy of Performance BIB, even before the creation of its existence as a legal entity (a non-profit “Association” under French law) in 2006 to insist that members or invited speakers do not use meetings as a platform to promote their particular products. Members must be aware of the difference between, on one hand, participating in discussions and providing technical information of wider interest for the industry, and, on the other hand, trying to promote those products or technologies produced by their particular firm.

Performance BIB may, in addition to its primary scientific and technical focus, undertake to collectively promote and defend the BIB concept and particularly promote the application of good practices in BIB packing but care will be undertaken to do so in a way that does not result in unfair trade practices.

2) Guidelines in respect to competition law compliance

Performance BIB’s primary objective is to sponsor research and to organize technical meetings so as to improve BIB packing. Performance BIB does not intend to become involved in business decisions of its member companies nor is it intended in any respect to restrict competition between actors in the BIB industry. It is the policy of Performance BIB to strictly comply with all laws and regulations applicable to its activities, including European Union and national competition rules. It is the responsibility of every individual Performance BIB member and participant to Performance BIB events to strictly comply with the competition rules during all Performance BIB activities.



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In order to avoid infringing competition rules, all Performance BIB members (and any other participants during Performance BIB activities and events) should refrain from:

- any discussion or arrangement with competitors (directly or indirectly) on sensitive topics, such as for example, their own prices, their competitor's prices, their supplier's prices (or any element that directly or indirectly could affect price or pricing decisions such as discount policy, profit margins, costs, payment terms and other terms and conditions of sale), business or marketing plans, customer relations, sales strategies, investments, levels of inventory, production capacity, levels of production, etc.
- any discussion or arrangement on dividing up customers, sales territories or products;
- any other arrangement restricting competition, such as for instance, a collective boycott, any arrangement to avoid direct competition or joint action to exclude competitors or new entrants to the market;
- any participation in information exchanges or market surveys that allow access to any identification of individualized competitive or sensitive business information;

During meetings, agendas are to be set in advance and these agendas are to be adhered to. Regarding internet forums, the technical topics are clearly set by the chairpersons of each group and one is to not stray from these subjects.

Membership is open to both firms and individuals that share in the Association's objectives, abides by its rules and pays its contribution. The Association will not deny membership or establish membership standards which have the effect of limiting competition nor will Performance BIB expel a member without sufficient cause.

The development of a Guide of Good Practices as well as any attempt to standardize testing procedure is to be undertaken with the wide participation of the industry. The intention is not to deprive customers of legitimate choices nor to restrain competition, but to contribute to the improvement of the quality of products offered to the market.

All Performance BIB members and other participants to Performance BIB should be made aware of the present guidelines, even though these guidelines are not comprehensive and can not be considered as a substitute for competent legal advice. We welcome any recommendations regarding these guidelines from our members and their legal counsel.