



Belgian Steel Federation

COMPETITION COMPLIANCE GUIDELINES

I. GSV AND ITS MEMBERS MUST RESPECT THE LAW AND ALWAYS FOLLOW THESE GUIDELINES

GSV is the Belgian employer's federation that represents the steel producing sector. GSV members account for the steel production in Belgium and for a large proportion of the steel production in Europe.

GSV is therefore committed to respect all applicable laws that relate to its and its members' conduct. It must in particular strictly comply with European Union (EU) and national competition laws. These Guidelines aim to ensure that nothing done by GSV concerns under competition law. These Guidelines are relevant to every person involved in the activities of GSV. It is the obligation of all GSV staff to be familiar with these guidelines and abide by them at all times.

II. COMPETITION LAW COMPLIANCE IS VERY IMPORTANT: THOSE WHO BREAK THE RULES WILL BE HEAVILY PUNISHED

Competition laws worldwide prohibit any type of cartel, secret conspiracy, agreement, gentlemen's agreement, arrangement, mutual understanding, concerted practices and any other form of coordination amongst competitors that aims at restricting or results in an appreciable restriction of competition on any market. Caution is therefore needed at any meeting or event where competing companies are present.

Many GSV members compete with each other. In addition, since GSV is an employer's association of competing companies, its activities could be viewed as concerted conduct. This should not deter members from participating in GSV activities. However, great care is needed to ensure the law is respected. GSV and all GSV members must be sensitive to the competition issues that could arise from GSV's activities. That is why these Guidelines have been drawn up. The Guidelines must always be respected.

III. GSV'S OBJECTIVES ARE LEGITIMATE

GSV pursues legitimate objectives, including representing its members' common interests before governments, administrative bodies and the public, conducting research and acting as an expert in its field. It informs its members, governments and the public on developments and statistics relating to the steel industry. GSV acts in the public interest by allowing its membership to speak with one voice on different topics such as : trade, technical, regulatory, environmental and labour law issues. It is recognised that presenting position papers and representing its members before governmental bodies, antitrust agencies and the public constitute a fundamental mission of associations or employer's federation and are consistent with competition laws.



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IV. GSV DOES NOT ADOPT POSITIONS ON COMPETITIVELY SENSITIVE TOPICS – MEMBERS DECIDE THESE TOPICS ON THEIR OWN

GSV only aims at informing its members and others on the facts and statistics relating to the steel industry. GSV will never adopt any decisions, “recommendations” or disguised inferences on competitively sensitive topics, especially related to members’ future competitive conduct. Members should always make their own unilateral educated decisions, whether on the basis of information provided by GSV or on the basis of information from other sources.

V. AVOID MISINTERPRETATION AND AVOID UNNECESSARY PROBLEMS

GSV seeks to avoid and urges its members to avoid any language that could be misinterpreted. Past cases show that ill-advised statements or unclear notes or documents can be misconstrued by competition enforcement agencies as reflecting collusion. Such statements can put associations as employer’s association at risk of being prosecuted no matter what the underlying reality is. This could apply to GSV despite its strong commitment to competition law compliance. Any comment, note, email or other type of correspondence should be carefully reviewed from this perspective before being made by any member.

VI. LEGITIMATE SHARING OF STATISTICAL DATA

GSV undertakes market research. It collects, distributes and publishes useful statistical data from and to its members, Governments and the public.

Certain types of information sharing may raise competition concerns. The exchange of information on companies’ intentions or their individual data as to future prices or quantities is particularly likely to raise serious competition concerns. No such discussions should ever take place in a GSV context.

By contrast, competition laws also acknowledge that the collection and distribution of statistical data by federations is legitimate provided that strict safeguards are complied with. Exchange of information amongst members may not relate to individual market data usually considered as confidential (such as capacity utilisation, production and deliveries, bookings, prices, costs, stocks, customer relations, market shares) where the exchange is of current data. Current data may only be disclosed in aggregated form.

Individual data of members may only be disclosed 12 months after the reporting month. Exchange of statistical data and forecasts complying with these safeguards are unlikely to cause competitive harm.

VII. ALL MEETINGS OF GSV MUST REMAIN ON THE SAFE SIDE OF THE LINE

Meetings within GSV are considered legitimate by competition laws, so long as their activities do not go beyond general information exchange and discussion of market developments. All meetings should avoid any type of conduct that would have the purpose or the effect of restricting competition on the market.



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In particular, discussions within committees must not amount to, nor lead to, coordination with regard to any of the following: prices; any component of price or other factors with price relevance; market share; production, sharing of geographical markets, customers or customer groups. Discussions related to these topics are not permitted, regardless of the underlying motive.

VIII. COMPLIANCE BY MEMBERS AND STAFF

GSV can't be considered as responsible for competition law infringements of its members. GSV will never support, assist or get involved in any such conduct by members. GSV strives to ensure that no meetings with members organised or supported by GSV are ever used by members to discuss or coordinate future market behaviour resulting in a restriction of competition. More generally, the platform offered by GSV to its members should not be misused for activities prohibited by competition law.

The presence of a GSV representative is therefore essential during GSV meetings. No GSV meetings are permitted without the presence of a GSV representative.

A written invitation must be sent together with a detailed agenda to participants at each GSV meeting. Discussions during meetings should reflect the agenda. Minutes of each meeting should be drafted accurately and comprehensively to reflect the discussions that took place at the meeting.

GSV representatives as well as chairpersons and anyone attending GSV meetings are under a duty to ensure strict adherence to the competition rules. At all meetings, the GSV representative and the chairperson must recognize situations where competition issues may arise. They must immediately react to potentially inappropriate discussions by giving suitable guidance (i.e. indicating that such discussion is not appropriate in GSV meetings) and by bringing the potentially illegal behaviour immediately to an end. Where this cannot be achieved, the GSV representative should leave and the chairperson must end the meeting. This must be recorded in the minutes of the meeting concerned.

IX. FINAL MESSAGE

Nothing in these Guidelines are intended to discourage membership of or participation at GSV. The opposite is true. GSV has adopted these Guidelines in order that its members can feel comfortable lawfully attending meetings and sharing legitimate concerns and information in a carefully regulated environment.

If you have any question or remark regarding this note or our activities and their compliance with the competition law, please do not hesitate to contact us at :

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