



Statement of Antitrust Policy

Because the meetings of the European Semiconductor Industry Association (ESIA) necessarily bring together a wide cross-section of the industry, including competitors, meeting participants must be careful not to engage in discussions that could lead to unintended antitrust consequences. Even the exchange of recent sensitive company-related information could trigger such antitrust consequences.

Accordingly, meeting participants should not engage in discussions that encourage or may result in anticompetitive consequences of any kind, either in formal meetings or in informal conversations taking place before, during, or after formal sessions. Many competition and antitrust law investigations, proceedings, indictments, and civil lawsuits have arisen from informal conversations at industry meetings or in social settings. Even “small talk” or a friendly game of golf between competitors could give rise to illegal coordination or the mere appearance of such conduct, if sensitive information is exchanged.

Strict adherence to the following guidelines is essential and required of all members and participants:

Do not assume a particular nation’s antitrust laws will not apply to discussions at meetings. The antitrust laws of several countries can apply to certain “extraterritorial” conduct. Meeting participants thus should adhere to these guidelines regardless of the geographic location of their operations.

Do not discuss sensitive competitive or confidential information. This information may include: costs, current prices, price trends, inventory, production capacity (and/or its utilisation) or production; restrictions on output; allocation or limitation of locations or territories; customers and sales or bidding practices; boycotting or blacklisting of customers, competitors, or suppliers; and precise formulas or other trade secrets.

Do not discuss prices. There should never be discussions of prices or terms of sale, including actual, projected, possible, or future prices or terms for any products or components. Also, participants should avoid exchanges of information that could lead to any agreement on price, or even only coordinated behaviour.

Do not discuss costs. There should be no discussion of any particular company’s costs of producing or purchasing hardware, software, components or any other item.

Do not suggest or discuss any limitation on competition among the participating companies or with other companies. There should be no discussion of collective approaches for marketing products, either among the participating companies or with others.

Do not discuss confidential or non-public information regarding development or release dates for new products. There should be no signalling of when new products are expected to be released, or the timetable for the development of new products.

Do not discuss decisions to deal or refrain from dealing with customers or suppliers. There should be no discussion of distribution strategies or of entities with which participants will or will not deal.

Do not discuss production capabilities or quantities of product produced. Participants should refrain from discussing, or signalling, production capacity and number of units produced. Participants similarly should not discuss anticipated production or production capacity.

Do not engage in discussions that could be interpreted as allocating customers, suppliers, markets, or territories. The antitrust laws of certain countries prohibit so-called “market division” agreements. Participants should be extremely careful not to engage in discussions that could suggest the formation of such agreements.

Can you discuss possible cooperation (e.g. in R&D) with competitors? If you intend to enter into some form of cooperation or joint venture agreement – which may, in itself, be legal if the antitrust requirements are met – do not start discussing any confidential or sensitive information without having first retained advice from antitrust counsel as to how such discussions may be initiated and what information may be exchanged.

If you have any questions regarding these matters or any questions as to the legality of any proposed course of action, please immediately consult antitrust counsel/ESIA Secretariat to assure full compliance with applicable competition and antitrust laws.