

# Anti-Trust/Anti-Competition Law Guidance for SIGTTO Meetings

These notes have been prepared to provide guidance on the conduct of SIGTTO meetings to avoid infringement of laws covering what are generically referred to as “anti-competitive practices” as established in the countries of our members. By their nature, these notes are general and cannot be considered exhaustive.

The SIGTTO By-Laws include a clause on Prohibited Activities, relevant parts as follows:

## Section 2.04 Prohibited Activities

### **SIGTTO shall:**

- (e) *Not engage in fixing or regulating freight, charter or other transportation rates or in fixing vessel management or operating fees or the terms and conditions of any of these;*
- (f) *Not engage in any activity which in is contravention of the laws of Bermuda or England or the laws applicable to any Member*
- (g) *Refrain from any activity that involves the collection or dissemination of commercial data, or activities that may be construed as representing the commercial interests of any or all of its members.*

Building on the By-Laws, the following lists summarise the principal dos and don'ts for participants in any SIGTTO meeting:



- **Ensure that agendas and minutes/notes of meetings are produced and circulated to all attendees and accurately reflect the discussions/decisions.**
- **Be aware that activities such as gathering and exchanging statistical information, benchmarking, creating industry standards and self-policing regulations may be construed as anti-competitive. If engaged in any of these activities, specific guidance must be sought from the Secretariat. The Secretariat may seek external legal advice as and when appropriate.**
- **Ensure that the meeting discussion is kept to the agenda topics. It is strongly recommended that matters for ‘Any Other Business’ are discussed with the Chairman before the meeting.**
- **Object if an improper or questionable subject is raised and, if not satisfied with the response, ensure that your objection is recorded in the minutes and leave the meeting.**

# DO NOT X

Discuss or make agreements or decisions on any of the following:

- **Prices/freight rates**
- **Production capacity or inventories**
- **Sales/purchases**
- **Costs**
- **Future business plans (on matters not in the public domain)**
- **Matters relating to individual suppliers/customers**
- **Employee compensation, benefits, remuneration etc**
- **Sale or purchase prices**
- **Other terms of sales or purchases**
- **Restriction of capacity or output**
- **Restriction of supply of a product or service**
- **Division of markets or customers**
- **Exclusion of competing companies from a market**
- **Limitations on the quality of a product**
- **Blacklisting or boycotting of suppliers or customers.**