

Guidelines Governing COCIR Meetings and Teleconferences

Preamble

COCIR is a non-profit association representing the common interests of its members in the medical imaging, radiotherapy, health ICT and electromedical industries.

This policy, adopted by the COCIR Board, sets forth the basic competition law principles applying to the conduct of COCIR and its members when preparing, organizing and attending meetings and events.

Conduct of COCIR meetings and events

COCIR is committed to ensuring competition law compliance at all COCIR meetings and events. With respect to COCIR meetings, irrespective of the form in which they take place (including telephone and video calls), as well as COCIR events, the following guidelines apply. The guidelines apply to COCIR staff and all participants in COCIR meetings and events, which are required to be familiar with these guidelines.

DO's and DON'Ts for meetings and events

- COCIR meetings take place based on an agenda with clear agenda items. The agenda is to be agreed and circulated in advance. The agenda will include a hyperlink to these guidelines for meetings and events, as published on the COCIR website. All meetings, including COCIR members, will include a reminder of the guidelines at the start of the meeting which shall be noted in the minutes.
- COCIR shall ensure that any documents or meeting materials circulated in advance of meetings and events do not contain commercially sensitive information. Competition law authorities define the notion of commercially sensitive information broadly. COCIR Legal must be contacted in case of questions or doubts regarding the content of the documents or meeting materials.
- For all COCIR meetings, at least one COCIR staff member or someone assigned to represent a staff member must attend the meeting.
- A COCIR Committee or a Working Group meeting can go ahead only if representatives from at least three COCIR members are attending.
- Any meeting shall have a legitimate purpose and any topic discussed must fall within the remit of the COCIR meeting concerned.
- Participation criteria to meetings should be transparent and non-discriminatory.
- During the meeting the participants shall stick to the approved agenda. If a decision is made during the meeting to add additional items to the agenda based on a prior examination of such items by the COCIR staff member, this must be noted in the meeting minutes.
- During a meeting no commercially sensitive information may be disclosed. If one or several participants are uncertain whether a discussion or conduct raises competition law concerns, the participant(s) must inform the Chair of the COCIR Committee or Working Group, the COCIR Secretariat and participants in the meeting about these concerns. In such a case, the discussion should be stopped by COCIR until such concerns can be ruled out, either during the meeting or afterwards. If efforts to stop the discussion are not successful, the participant(s) should leave the meeting under protest and request that the protest be documented in the meeting minutes.

- Each meeting shall be recorded by detailed and accurate meeting minutes with the names of participants, and they shall be circulated after each meeting to all participants for approval. If no objection is raised within an agreed period, the meeting minutes are deemed to accurately reflect the discussion.

These above guidelines apply as well to any discussions that take place outside the formal COCIR meetings and events (e.g., social gatherings, coffee breaks, lunches).

Meeting topics

DO discuss at meetings:

- Information which is generally not commercially sensitive, including information on the general functioning or state of an industry, non-confidential technical issues relevant to the industry in general, such as standards, environmental concerns, matters related to corporate social responsibility, health and safety matters, and regulatory policy developments. However, any discussion that could be reverse engineered into commercially sensitive information should be avoided. For example: emission data that could be used to calculate market data.
- Non-strategic public policy, educational and scientific developments.
- Genuinely public information (e.g. trade press, newspapers and company websites or annual reports, information published by a public authority or government) on industry trends or general market conditions or projects.
- Benchmarking exercises or market surveys provided these activities do not result in an exchange of commercially sensitive information among the participants; results must be presented in a sufficiently aggregated form which does not allow the identification of individual companies.

DO NOT discuss at meetings:

Commercially sensitive information must not be exchanged or discussed between competitors. Commercially sensitive information encompasses the following categories of information, unless the information is genuinely public information and therefore accessible to all (e.g. trade press, newspapers and company websites or annual reports, information published by a public authority or government):

- Pricing information including purchasing or selling prices, minimum prices, target prices, recommended prices, price increases or decreases (and their timing), price ranges, margins, discounts, rebates, invoicing practices, payment terms, future pricing intentions, or any other elements of the pricing and other commercial conditions (e.g., the terms and conditions offered to customers).
- Individual company data on costs, operating costs, production costs or other overhead costs.
- Production capacity, production information such as inventory, changes in industry production, individual company plans concerning the design, production or marketing of products, proprietary technical developments.
- Individual company orders or sales (in unit volume and EUR value), individual company market estimates or individual company CAGR estimates.
- Individual company plans concerning the design, production or marketing of products, or any information on a company's future commercial strategy.

- Identity of individual customers, individual company bids, intentions to bid or not to bid, procedures for responding to bid invitations, matters related to actual or potential individual suppliers or customers, or business conduct of individual companies towards them, identity of individual suppliers or customers with whom an individual company has decided not to do business.
- Plans of individual companies to enter or exit market or close capacities, markets for expansion and investment or other important elements on a company's strategy that companies active in a genuinely competitive market would not have the incentive to reveal to each other.
- Commercial business plans, marketing or sales initiatives, development roadmaps and product portfolio plans.
- Forecasts relating to future demand or sales data.
- Future product characteristics which are relevant for customers

What also must not be discussed at meetings is the following:

- Market partitioning such as the allocation of customer groups, types of products or territories between competitors.
- Any arrangement to avoid direct competition, or joint action to exclude competitors or new entrants to the market.

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