

Antitrust Guidelines for AMCP Meetings

Covers meetings of association leadership, committees and meetings of the general membership

Academy meetings must be conducted in a manner that avoids the fact or appearance of conduct which may violate the antitrust laws. The Academy must assure that certain subject areas are not discussed at Academy meetings and that no illegal agreements are reached or carried out through the organization. This memorandum summarizes the standards of conduct and legal restraints which must be observed at Academy meetings to protect against violations of the antitrust laws.

PROHIBITED SUBJECT AREAS: AVOIDING POTENTIAL ANTITRUST LIABILITY

Each Academy member has the responsibility in the first instance to avoid raising improper subjects for discussion. Academy members are encouraged to familiarize themselves with their own company's or organization's guidelines and to abide by them.

Discussion of or activities and programs relating to the subjects set forth below are improper and should not be permitted. To discuss or engage in conduct on these topics at Academy meetings could lead to an understanding or agreement expressly made or implied which would subject the Academy and individual members to legal liability under the antitrust laws:

- Industry-wide or individual company prices (current or projected) or matters related to pricing such as costs, profits, contractual terms and conditions (e.g., discounts, credit terms), wages/salaries, market allocation, market shares/sales, clients/customers
- Encouraging boycotts, exclusions of products/services or "refusals to deal" with individuals, companies or governmental entities
- Subjects that could be viewed as fostering unfair practices involving advertising, standardization, certification/accreditation
- Limitations on individuals or organizations that would result in restricting their ability to engage in a business or business practice or inappropriately exclude them from participation in association activities
- An individual company's product or service offerings including design, characteristics or pricing information; specific sales, distribution, marketing and R & D plans; confidential product/service or product/service development strategies

Note: Do not discuss or exchange information on the subject areas described above at social gatherings or "rump" meetings incidental to Academy-sponsored meetings, even in jest.

PERMISSIBLE SUBJECT AREAS

In general, discussion of or activities and programs relating to the following subjects are proper and permitted.

- Reporting and exchanging information on general industry or professional developments, concerns and economic trends
- Promoting markets for the industry/profession as a whole
- Developing standards for voluntary use by members of the industry/profession
- Describing advances/problems in relevant research and technology
- "Best practices" discussions: Providing general information to assist and identifying methods by which an individual or company can improve performance (efficiencies, profitability, management, etc.); however no agreements should be reached as to the use of a particular practice or to exclude a competitor from using a different practice
- Developing common advocacy strategies and positions with respect to legislative and regulatory matters

Note: a subject appropriate for discussion can be rendered inappropriate by an improper approach to it (e.g. lobbying activity that is a "sham" or a cover up to harass competitors or to reach an agreement through the use of a governmental process that would otherwise be unlawful).