



## **Competition Act Compliance BASA Meetings – Code of Conduct**

All companies must at all times comply with the requirements of competition law as set out in the Competition Act 1998. The Act requires that companies must not engage in any practice, which will or may prevent, restrict or distort competition or constitute an abuse of a dominant position.

### Application of Guidance

These guidelines apply to all persons attending any BASA meeting, or representing the Association at any external meeting, or communicating by post, telephone, e-mail or by any other means on any issue or activity connected with the affairs of the Association. At the start of all BASA meetings the Chairman will remind those present that the meeting is held under the terms of the BASA Code of Conduct and will so record in the minutes. All attendees will be asked to confirm compliance as they sign the attendance form.

### Conduct of Meetings

- ✓ All Committees, Working Parties and Task Groups must have agreed Terms of Reference and a formally appointed Chairman.
- ✓ All meetings must have a clear purpose, which is communicated in advance along with an agreed agenda.
- ✓ The Chairman must ensure that the meeting keeps to its agenda.
- ✓ The agenda and minutes/action notes of each meeting must be kept together with a list of participants. Copies should be posted to the appropriate Forum on the BASA website and to the BASA office.
- ✓ Participants should never discuss any issues that could affect competition in a market (such as collusive or exclusionary practices). A non-exhaustive list of definite “no-go” areas include discussions on: prices or other terms on which goods or services are currently, or are to be, provided; sharing markets or customers; limiting the supply of goods or services (to keep the price up); rigging bids or colluding when tendering; and exclusionary measures including any against non-BASA members.
- ✓ Attendees should take care with their language - careless use of language can cast suspicion of collusion on otherwise legitimate discussions. For example do not use “guilty” vocabulary such as “stitch up the market”, “cartel” or “dominant”.
- ✓ If the Chairman of the meeting, or any other person present, becomes concerned that discussions are potentially anti-competitive he/she should ask for the subject to be changed at once. Attendees must not speculate about whether an activity is or is not in breach of competition law and if in doubt about an activity must stop discussing it. The Chairman’s decision will be final. This is because mere presence at an anti-competitive discussion is sufficient to be implicated in an infringement.

More information may also be found at:

<http://www.oft.gov.uk/>

***If you require any further advice please contact: The BASA Office.***

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