



# WORK GUIDE FOR MODERATORS ON COMPETITION LAW WITHIN ENERGY EFFICIENCY AND CLIMATE ACTION NETWORKS

## RULES FOR YOUR SESSION

For regional Energy Efficiency and Climate Protection Networks with participants from different sectors, the issues related to competition are of low relevance. However, for sector-internal networks, these issues are of particular concern. Keeping in mind the following fundamental rules will help you to avoid risks concerning competition law.

In case of questions or concerns, don't hesitate to get in touch with the legal department of your company or with the contact persons within the business association of the networks' initiative.

## THINGS TO BE ENSURED FOR A SUCCESSFUL NETWORK MEETING

### Before the session

- Written invitations for every network meeting (via E-Mail is sufficient).
- An agenda for every meeting, unless it is the case of a serial meeting with recurring topics (for example a regular meeting).
- The agenda contains concrete topics only (no "any other business" or unspecific).

### During the session

- Designate a protocol writer at the start of the meeting.
- Stick to the agenda.
- Record the entire meeting in a protocol.
- Avoid spontaneous contributions that are not part of the agenda.
- React immediately in case of spontaneous contributions with relevance to competition law (such content may be, for instance: "we really have to talk about prices").
- All participants of the meeting should be advised to react to such contributions, not just the moderator.
- Inform the participants that spontaneous contributions will not be discussed.
- In case of doubt, first clarify whether a topic is relevant to competition law or not before discussing it. If it is not the case, it may be added to the agenda of the next meeting.
- In case spontaneous contributions are discussed despite your advice, let your objection be noted in the protocol. Leave the session and make sure that the exact time you left the session is noted in the protocol.
- Report the events to the management board of the networks' operator and the supporting business association (if any).

### After the session

- Check the protocol for coherence and correctness.
- An attendance list must be attached to the protocol.
- When writing the protocol, use clear and comprehensible language to avoid misunderstandings.



## THE FOLLOWING TOPICS SHOULD BE AVOIDED IN A MEETING

### **Product prices**

- Pricing, future pricing strategies.
- Product-related effects of costs increase related to pricing changes at product level, e.g.: coordination of passing on increased resource, energy, and wage costs.
- Individual conditions of sales and payments, discounts, inflation surcharges, bonuses, etc.

### **Customers and suppliers**

- Distribution of markets and reference groups.
- Individual customer relations.
- Assignment of customers to specific suppliers (e.g.: “purveyor of the court”).
- Restrictions in quantity or allocation of specific supply quotas.
- Boycotts or call for boycott.

### **Corporate key figures**

- Individual corporate cost items, cost account formula (product-related information on purchasing costs, production, investments, etc.).
- Product-related sales figures, delivery times.

### **Future market behaviour**

- Plans to expand or reduce capacity that may lead to conclusions at product level
- Planned programmes related to research and development, investments, production, marketing, and sales.