



European Photonics Industry Consortium Antitrust Statement

Discussions and Contents of Meetings

The European Photonics Industry Consortium (hereafter referred to as “EPIC”) is a not-for-profit organization. EPIC is not organized to and may not play any role in the competitive decisions of its members or their employees, nor in any way restrict competition among members or potential members. Rather it serves as a forum for a free and open discussion of diverse opinions without in any way attempting to encourage or sanction any particular business practice.

EPIC provides a forum for exchange of ideas in a variety of settings including its annual meeting, educational workshops, events, and Board meetings. The Board of Directors recognizes the possibility that EPIC and its activities could be viewed by some as an opportunity for anti-competitive conduct. Therefore, this policy statement clearly and unequivocally supports the policy of competition served by the antitrust laws and to communicate EPIC's uncompromising policy to comply strictly in all respects with those laws. To avoid any impression of what may or may not be acceptable discussion points, EPIC has carefully assessed what topics can and cannot be discussed at a meeting, forum, or in a publication:

Information on general economic data, industry overviews and discussions on current legislation projects, or publicly accessible statistics are, in principle, admissible subjects at EPIC - organised meetings. It is forbidden to exchange information or make arrangements regarding prices, price components, price strategies, and payment. It is also forbidden to include decisions or concerted practices regarding organized price/market-fixing behaviour with respect to third parties these have to be avoided without exception. The sentiment of all meetings must in no way divulge sensitive data or stand in the way of free market competition.

The antitrust laws prohibit competitors from engaging in actions that could result in an unreasonable restraint of trade. Above all else, association members should be free to make business decisions based on the dictates of the market – not the dictates of EPIC. Furthermore, there should be no discussion of data in which a third party could draw conclusions about a company's strategy that could be used to persuade future behavior.

Minutes of Meetings

Any resolutions passed at any EPIC meeting by be written down in the minutes in a clear and understandable manner. No informal discussions, either before, during or after the meeting may contain critical decision making that is not minuted in the formal minutes of the meeting.

Publications

Proceedings and any handouts provided by EPIC must contain only data that has been retrieved under permission by the company/institution to whom the data belongs, and must refer only to gross company data over a reporting period of 6 months or more. Information on individual products or



product groups may not be disclosed. Any forecasted information must not include information about business development between two or more companies that is not publicly available. Forecasts should be aggregated information received via written enquiry to all members, and the data must not be presented in such a way that any one or group of companies is identifiable within the data or forecasted report. Statistics gathered must contain information from over 5 discrete entities, and no entity may have more than 80% of the market share. Any standardization reports must be fair, reasonable, and non-discriminatory.

Membership

Membership to EPIC is not guaranteed on the basis of a submitted application, but is indeed subject to assessment of the appropriateness of the entity to EPIC's association. However, refusal of an applicant may NOT be done on the basis of discrimination and must uphold fair competition standards.

General

Some activities by competitors are deemed so pernicious and harmful that they are considered per se violations – it does not matter whether or not the activities actually have a harmful effect on competition; the effect is presumed. These generally include price fixing, allocation of customers, markets or territories, bid-rigging, and some forms of boycotts. In addition, there are many features that factor into price; agreements as to warranty duration, or other factors that can directly impact price also are proscribed.

Other actions, such as standards development, certification programs, and relationships between distributors and suppliers generally are evaluated under a rule of reason – there is a balancing between the pro-competitive and anti-competitive aspects of the activities; the pro-competitive effects must outweigh the anti-competitive ones. These areas also should be approached with caution and legal guidance.

Outside of these specific points, the sentiment of ensuring the integrity of true competition must be upheld, and therefore no specific information about the profit figures, capacity, or hard data of a company may be shared with another or disseminated in any way. Should a question regarding the acceptability of a discussion or provision of information be in question, EPIC's legal service must be contacted immediately, without exception.

All EPIC events and meetings must be attended by a member of EPIC staff to ensure that this policy is upheld without exception.



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